

Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ JUNE 2005 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. Versar, Inc., in support of the Central Regional Environmental Office (CREO), prepares the *REVIEW* to assist you in your compliance efforts. Current and past issues of the *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail CREO.regulatory.specialist@nwk02.usace.army.mil or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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Assistance in Environmental Regulations Impact. The CREO has, in the past, successfully assisted installations in moderating environmental regulations that affect current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 983-3449 or Regional Counsel at (816) 983-3448. CREO stands ready to assist you in resolving these types of issues.

AELC Call for Army Environmental Legislative Proposals. The US Army prepares and submits to the Office of the Secretary of Defense (OSD) proposals to address a wide variety of issues, including environmental, for subsequent submittal to OMB and to the Congress. In late 2002, the **Army Environmental Legislative Committee (AELC)** was established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

AELC continuously solicits input for environmental legislative concepts/proposals for the Defense Authorization and Appropriations Bills. **AELC** then selects environmental concepts that the Army would like to pursue. Technical and legal support is provided to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. Submissions should be coordinated through your chain of command to your organization's **AELC** point of contact. More information can be obtained from the **US Army Environmental Center** at (410) 436-1220. **USAEC** serves as secretary and provides staff support to **AELC**.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

The Arkansas legislature adjourned *sine die* on 13 May 2005. The bills listed below "died" upon adjournment:

Arkansas H.B. 2749 - Groundwater
Arkansas S.B. 230 - Water Quality
Arkansas S.B. 1132 - Conservation

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) AR Department of Environmental Quality Departmental Discussion: New Source Review Regulations for Crittenden County. The Department is discussing plans to propose a non-attainment New Source Review regulation for Crittenden County, which is currently not in attainment with the 8-hour ozone standard. Staff anticipates having a proposal ready by the end of 2005 unless the county reattains with the 8-hour ozone standard in summer 2005. *For additional information, please call Mike Bonds at (501) 682-0730.*

(UPDATE) AR Department of Environmental Quality Departmental Discussion: Increase to Aboveground and Underground Storage Tank Fees (Regulation 12). ADEQ is discussing amendments to its storage tank regulations that increase the annual registration fees for aboveground and underground storage tanks from \$50 to \$75. The change reflects a corresponding Arkansas Code change made through Act 671 of 2005. Staff reports that the Department probably will not propose the amendments before the end of 2005 since the fee increase will not go into effect until the May 2006 billing cycle. *For additional information, please call Ed Dunn at (501) 682-0975.*

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LOUISIANA

Legislative/Regulatory Activity

The Louisiana legislature is in session from 25 April to 23 June 2005.

STATE OF LOUISIANA PROPOSED LEGISLATION

(NEW) Louisiana H.B. 340 - Environmental Administrative Procedures. This bill authorizes the Office of Environmental Assessment in the LA Department of Environmental Quality to provide for laboratory services. It also authorizes the Office of Environmental Compliance to issue necessary licenses, registrations, exemptions, and certifications of radiation sources. Prospects for Senate consideration are favorable. The Environmental Quality Committee reported this bill on 17 May 2005. This bill was passed by the House on 4 May by a vote of 100 - 0. According to sources in the Senate, the budget is occupying a great deal of the legislature's attention at this time. To

view the bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=294560>.
Sponsor: Representative Nuncio Joseph Damico (D)

(NEW) Louisiana H.B. 388 – Groundwater. H.B. 388 revises the definition of "critical groundwater area" to refer to an "area of groundwater concern." Moreover, it stipulates that when the sustainability of an area of groundwater concern cannot be maintained without groundwater withdrawal restrictions, the Commissioner of Conservation has been identified as the decision maker for designating an area a "critical area of groundwater concern." Prospects for Senate consideration are favorable. The House passed the bill with a floor amendment on 12 May 2005 by a vote of 95 - 0, and sent the bill to the Senate, where it has been assigned to the Environmental Quality Committee. The floor amendment changes the Commissioner of Conservation's order designating an area a critical area of ground water concern from requiring to authorizing restrictions on water withdrawals by any or all users. The Environmental Quality Committee has scheduled a hearing for this bill on 24 May. To view the bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=294883>. Sponsor: Representative Jim Fannin (D)

(NEW) Louisiana H.B. 570 – Munitions. H.B. 570 requires the Adjutant General to submit a report to the House Judiciary Committee and the Senate Judiciary B Committee on the scope and adequacy of training received by members of the armed forces on determining whether their service is likely to entail, or to have entailed, exposure to depleted uranium. The bill stipulates that the report shall also contain the feasibility of pre-deployment training regarding depleted uranium. Prospects for Senate consideration are favorable. The House passed this bill on 3 May by a vote of 101 - 0, and sent it to the Senate, where it has been assigned to the Judiciary B Committee. The Judiciary B Committee reported this bill on 17 May 2005. This bill will now be placed on the floor calendar for a third reading. Representative Lafonta introduced this bill based on reports indicating that depleted uranium used in tanks was the primary cause for Gulf War Syndrome. To view this bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=296448>. Sponsor: Representative Juan Lafonta (D)

(UPDATE) Louisiana H.B. 428 - Renewable Portfolio Standards, Land Use. This bill authorizes the State Mineral Board in conjunction with the Secretary of the Department of Natural Resources to lease state lands and water bottoms for the exploration, development, and production of energy from wind. Prospects for passage are favorable. The Natural Resources Committee reported this bill on 24 May 2005 by a vote of 8 - 0. Representative Pierre is a member of the majority party and serves in an influential role as the Chairman of the Natural Resources Committee. This bill will now be placed on the floor calendar for consideration. Legislative sources have indicated that given the short session, bills are expected to move very quickly. The Legislature is scheduled to adjourn *sine die* on 23 June 2005. Additionally, legislative sources have indicated that coastal issues will be a highly discussed issue this session. To view the bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=295402>. Sponsor: Representative Wilfred Pierre (D)

(NEW) Louisiana S.B. 188 - Environmental Crimes/Fines, Water, Pollution Prevention. S.B. 188 revises criminal penalties for violations of the Louisiana Pollutant Discharge Elimination System (LPDES) and authorizes the costs of investigation and prosecution to be included as part of the criminal penalty. The bill also adds penalties for persons who knowingly and "willingly" endanger another person and make false statements pursuant to the LPDES. This bill would serve as a means to recover the costs of investigation, make the prosecutions of these crimes by district attorneys more cost effective, and provide a greater deterrent to those who willfully and knowingly violate the state's environmental laws. Prospects for consideration are favorable. The Environmental Quality Committee reported this bill with amendments on 17 May, and it will now be placed on the floor calendar for a third reading. The amendments make technical and clarifying changes that do not alter the substance of the bill. To view this bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=296148> and <http://www.legis.state.la.us/billdata/streamdocument.asp?did=304203> for the amendments. Sponsor: Senator Heulette "Clo" Fontenot (R)

(NEW) Louisiana S.C.R. 6 - Electronic Scrap/Waste. This bill requests the Senate Committee on Environmental Quality and the House Committee on the Environment to jointly study and make recommendations regarding recycling and disposal options relative to computers and other electronic equipment. It also requires a written report to the legislature no later than 30 days prior to the 2006 Legislative Session. Prospects for House consideration are favorable. The Senate passed this measure on 18 May 2005 and sent it to the House, where it has been referred to the Environment Committee. The Committee has not scheduled a hearing for this bill. According to several sources, legislation is expected to move quickly given the short session. The Legislature is scheduled to adjourn *sine die* 23 June. To view this bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=298343>. Sponsor: Senator John Schedler (R)

(NEW) **Louisiana S.C.R. 53 - Electronic Scrap/Waste.** This bill requests LDEQ to develop a strategy for the proper management of electronic discards, including making recommendations for the recovery of components from discarded electronics and for the reduction of landfilling or incinerating discarded electronics. Prospects for House consideration are favorable. The rules were suspended for this measure, and upon introduction, the Senate passed the bill by a vote of 27 - 0 and sent to the House on 11 May 2005, where it was assigned to the Environment Committee, which has not scheduled a hearing for this bill. According to several sources, legislation is expected to move quickly given the short session. To view this bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=302757>. Sponsor: Senator Heulette "Clo" Fontenot (R)

STATE OF LOUISIANA FINAL RULES

(Effective 20 May 2005) LA Department of Environmental Quality Final Regulation: Miscellaneous Corrections to the Air Quality Regulations (AQ248) (LAC 33:III.507, 1509 and 2305). The Department has finalized amendments to make miscellaneous corrections to its air quality regulations. The amendments revise a reference in the Part 70 operating permits program in order to standardize reporting procedures for upset provisions. The amendments also correct the measurement unit for hydrogen sulfide that is exempt from flaring or combustion control measures. The regulations are final, effective 20 May 2005. The final amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ248fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(Effective 27 April 2005) LA Department of Environmental Quality Final Emergency Regulations: Emissions Estimation Methodologies (AQ240E2) (LAC 33:III.919). LDEQ has re-adopted an emergency rule revision to clarify requirements set forth in LAC 33:III.919, concerning emission inventory, and LAC 33:III.507.H, concerning annual compliance certifications. On 20 December 2003, LDEQ promulgated final rule AQ220 to clarify and update the requirements for emissions inventory. These changes were made, in part, to correlate LAC 33:III.919 with the recently promulgated Consolidated Emissions Reporting Rule (67 FR 39602-39616, No. 111, 10 June 2002). LAC 33:III.919.C was also modified to clarify that emissions reported in the emissions inventory shall be calculated using the best available information. The Department has renewed this emergency rule, effective 27 April 2005. For additional information, please contact Lynn Willbanks at (225) 765-0399.

STATE OF LOUISIANA PROPOSED RULES

(UPDATE) LA Department of Environmental Quality Proposed Regulation: Correction of Contradictory Language in the Air Permitting "Insignificant Activities List" (AQ244) (LAC 33:III.501). LDEQ has proposed amendments to its air quality regulations. The amendments: (1) revise the list of activities that do not require a permit in the "Insignificant Activities List"; (2) add language to define aggregate emissions as the total emissions from a single insignificant activity or group of insignificant activities within a permit year; and (3) correct contradictory language to clarify the intent of the list. Staff reports that the regulations were sent to the Legislative Oversight Committee on 7 April 2005. If approved, the regulations should become effective on 20 May. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ244pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(UPDATE) LA Department of Environmental Quality Proposed Regulation: Amendments to Update Underground Storage Tank Regulations (UT011) (LAC 33:XI.103). The Department has proposed amendments to its regulations that govern underground storage tanks that add best available technology standards for underground storage tank systems. The amendments also add record-keeping provisions that require documentation of the type and manufacturer of tanks and associated equipment, and documentation of permanent closure, if applicable. In addition, the amendments add Statistical Inventory Reconciliation as a method of release detection. Cathodic protection requirements for external piping in contact with the ground or water have also been added. Finally, the amendments require owners or operators to complete a site assessment for tanks temporarily closed for more than 24 months. Staff reports that the regulations were sent to the Legislative Oversight Committee on 6 April 2005. If approved, the regulations should become effective on 20 May. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/UT011pro.pdf>. For additional information, please call Judith Schuerman at (225) 219-3550.

(UPDATE) LA Department of Environmental Quality Proposed Regulation: Updates to the State Implementation Plan to Include 2004 Air Quality Regulation Revisions (0503Pot1) (LAC 33:III.Chapters 2 and 21).

LDEQ has proposed revisions to the State Implementation Plan (SIP). The revisions incorporate updates made to the state air quality regulations in 2004. The updates include the addition of a new fee number to distinguish between Title V and other facility criteria pollutant fees, and the clarification of instrumentation systems requirements for fugitive emissions control and fugitive emissions control in non-attainment areas for consistency with federal fugitive rules. The updated notice is available at <http://www.deq.state.la.us/planning/regs/pdf/0503Pot2.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(UPDATE) LA Department of Environmental Quality Proposed Regulation: Incorporation by Reference of Federal New Source Performance Standards (LAC 33:III.Chapter 30).

LDEQ is proposing revisions to its regulations that govern New Source Performance Standards (NSPS). The amendments also incorporate by reference federal updates to (1) the Part 70 operating permits program; (2) capture efficiency test procedures for organic compounds emission control; (3) the National Emission Standards for Hazardous Air Pollutants for Source Categories; and (4) chemical accident prevention and minimization of consequences. The Department will hold a public hearing 28 June 2005. Comments are due 28 June. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ251ftpro.pdf>. For additional information, please call Teri Lanoue at (225) 219-3181.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) LA Department of Environmental Quality Draft Report: 2004 303(d) List - Update of Volume 5: Water Quality Inventory of the Louisiana Water Quality Management Plan.

The Department has issued a draft 2004 303(d) Integrated Report that updates Volume 5: Water Quality Inventory, of the Louisiana Water Quality Management Plan. The first part of the report is an assessment of all waters in the state while the second part of the report identifies lists and ranks impaired water bodies that require a Total Maximum Daily Load (TMDL) determination. EPA has issued notice of final action taken 31 March 2005 partially to approve and partially to disapprove the 2004 list. EPA has added 14 water quality limited segments with priority rankings to the list. USEPA will accept comments on its action through 12 May 2005. The integrated report and its addendums are available under the Water Quality Assessment heading at <http://www.deq.state.la.us/technology/tmdl/index.htm>. For additional information, please contact Albert Hindrichs at (225) 219-3590.

(UPDATE) LA Department of Environmental Quality Departmental Discussion: Incorporation by Reference of Federal New Source Performance Standards (LAC 33:III.Chapter 30).

LDEQ is discussing revisions to its regulations that govern New Source Performance Standards (NSPS). The revisions incorporate by reference recent revisions to the federal NSPS regulations. Staff anticipates that the Department will propose these revisions in May or June 2005. For additional information, please call Teri Lanoue at (225) 219-3181.

EPA Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Attainment Demonstration for the Shreveport-Bossier City Early Action Compact Area, Proposed Rule.

EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Louisiana Department of Environmental Quality (LDEQ) on 28 December 2004. The proposed revisions incorporate the Shreveport-Bossier City Metropolitan Statistical Area (MSA) Early Action Compact (EAC) Air Quality Improvement Plan (AQIP) into the Louisiana SIP. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the Shreveport-Bossier City EAC area and is proposing approval of the associated control measures. EPA is proposing these actions as a strengthening of the SIP in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act). The revisions will contribute to improvement in air quality and continued attainment of the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-12/a9481.htm>.

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The New Mexico legislature adjourned *sine die* on 19 March 2005.

STATE OF NEW MEXICO FINAL RULE

(Effective 23 May 2005) NM Department of Environment Final Regulation Published 15 May 2005: Triennial Review of Water Quality Standards (20.6.4). NMED has amended water quality standards to protect designated uses of irrigation, livestock watering, and wildlife habitat as required by the Clean Water Act. The standards for sulfate and chloride, among others, are now part of the Triennial Review. The regulations are final, effective 23 May 2005. The Department will forward the regulations to USEPA for approval review by the end of June 2005. *For additional information, please contact Jane DeRose-Bamman at (505) 476-3671.*

STATE OF NEW MEXICO PROPOSED RULE

(UPDATE) Albuquerque/Bernalillo Air Quality Control Board Proposed Regulation Published 28 February 2005: Amendments to Transportation Conformity Regulations (20.11.3). The Board has proposed amendments to its transportation conformity regulations that incorporate federal transportation conformity changes made through 1 July 2004. The federal changes include criteria and procedures for transportation conformity under the new 8-hour ozone and PM_{2.5} standards. The federal changes also include clarification of when conformity will and will not apply to areas with Early Action Compacts. The amendments will also make local revisions that will include an amended local interagency consultation process that will include emission models for PM_{2.5} for evaluations of alternative transportation control measures. Staff anticipates that the rule will become effective 1 July 2005. *For additional information, please call Catalina Lehner at (505) 768-2638.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

EPA Proposed Rule; Approval and Promulgation of Air Quality Implementation Plans, New Mexico: San Juan County Early Action Compact Area. EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Governor of New Mexico on 16 December 2004. The proposed revisions incorporate the Early Action Compact (EAC) Clean Air Action Plan into the New Mexico SIP. The EAC is a voluntary program between the New Mexico Department of Environment (NMED), the Cities of Aztec, Bloomfield, and Farmington, San Juan County, and EPA. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the San Juan County EAC area. The revisions will contribute to improvement in air quality and continued attainment of the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-04/a8867.htm>.

(UPDATE) NM Environment Department Draft Amendments: Plans for State Delegation for the NPDES Permit Program. NMED is proposing to seek state delegation for the National Pollution Discharge System (NPDES) permit program from EPA. The NPDES permit program is authorized by the federal Clean Water Act to control water pollution through regulation of point sources that discharge pollutants into waters of the United States. Delegation of the program will allow New Mexico to take authority over the quality of its water resources rather than deferring to the federal government. An initial draft of the regulations was scheduled for completion by 31 May 2005 and submitted to USEPA for comments. Further information on the delegation process is available at <http://www.nmenv.state.nm.us/swqb/NPDES/index.html>. *For additional information, please contact Marcy Leavitt at (505) 827-2918.*

CREO Comment: It is recommended that all potentially affected installations should go to the web site identified above and carefully review the contents of the page including the links. EPA Region 6 assured the Air Force and the Army that several public meetings would be held before ruling on state NPDES delegation.

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The Oklahoma legislature adjourned *sine die* on 27 May 2005. The following bills will be carried over to the 2006 legislative session:

Oklahoma H.B. 1662 – Asbestos

Oklahoma H.B. 1753 - Land Use

Oklahoma S.B. 597 - Water, Water Use, Water Conservation

STATE OF OKLAHOMA FINAL RULES

(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 16 May 2005: Administrative Changes to Permits for Part 70 Sources Regulations (252:100-8-2, 100-8-4, 100-8-6, 100-8-6.1, 100-8-6.3, 100-8-7). ODEQ has adopted administrative revisions to the regulations governing permits for Part 70 sources. The revisions include minor text changes to section 252:100-8-6. The revisions also correct references contained in section 252:100-8-2, paragraph 252:100-8-4(b)(10), paragraph 252:100-8-6.1(b)(2), subsection 100-8-6.3(a) and section 252:100-8-7. The references now refer to Chapter 252:4 which replaced Chapter 252:2. The regulations are final, effective 15 June 2005. *For additional information, please contact Max Price at (404) 702-4177.*

(Effective 15 June 2005) OK Department of Environmental Quality Final Rule Published 16 May 2005: Minor Correction to a Reference Error For PSD Requirements (OAC 252:100-3, 252:100-7). ODEQ has adopted a rulemaking that makes a minor amendment to Section 3-4 of Subchapter 3. The amendment corrects an error in a reference to the Prevention of Significant Deterioration requirements that were moved from Part 5 of Subchapter 7 to Part 7 of Subchapter 8. The regulations are final, effective 15 June 2005. *For additional information, please contact Scott Thomas at (405) 702-4100.*

(Effective 6 April 2005) OK Department of Agriculture, Food and Forestry Emergency Regulation Published 16 May 2005: Restriction on use of 2,4-D herbicides (OAC 35-30-17-24.1). The Department has issued an emergency rule to restrict the use of 2,4-Dichlorophenoxyacetic acid (2,4-D) type herbicides to agricultural lands. The restriction is effective in Harmon, Jackson and Tillman counties between May 1 and October 15 of each calendar year. The Department has enacted the restriction in order to prevent the drifting of 2,4-D to cotton fields. The emergency rule is effective 6 April 2005 and will remain in effect through 17 July 2006. *For additional information, please contact Teena Gunter at (405) 522-4576.*

STATE OF OKLAHOMA PROPOSED RULES

(UPDATE OK Department of Environmental Proposed Regulation Published 1 December 2004: Revisions to the Hazardous Waste Regulations through the Adoption of Federal Amendments (OAC 252:205-3-1, 205-3-2, 205-21-5). ODEQ is finalizing amendments to OAC 252:205, Subchapter 3 that adopt by reference the federal hazardous waste regulations found in 40 CFR revised as of 1 July 2003. This amends the rules that were adopted by reference in January 2003, regarding zinc fertilizers made from recycled hazardous secondary materials; national treatment variances for radioactively contaminated batteries; and standards for hazardous air pollutants for hazardous waste combustors. The Department has proposed amendments to Federal delisting rules previously adopted by reference. This rulemaking adds a new Subchapter 25 to the Department rules to implement the delisting program in Oklahoma. A proposed new Appendix D adds a new application fee to the basic fee for delisting applications. A new Appendix E will require that the application include, the facility name, location, and delisted waste, upon completion of the delisting process. The Environmental Quality Board approved the regulations 4 March 2005. The regulations were submitted for legislative and gubernatorial review on 10 March. Staff report that the regulations have been approved and filed with the Secretary of State. Staff also reports that the tentative effective date for the regulations is 15 June 2005. *For additional information, please contact Gail Hamill at (405) 702-5100.*

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 September 2004: Amendments to Emissions Standards For Hazardous Air Pollutants (OAC 252:100-41-15). The Department has proposed amendments to its regulations that govern emissions control for hazardous air

pollutants and toxic air contaminants. The amendments update the effective date for the incorporation by reference of federal standards to include new national emission standards for hazardous air pollutants. The regulations were submitted for legislative and gubernatorial review on 10 March 2005. Staff notes that ODEQ has National Emissions Standards for Hazardous Air Pollutants (NESHAP) program delegation from USEPA and may enforce the amendments before the incorporation by reference updates. Staff reports that the amendments are scheduled to become effective 15 June 2005. The amendments are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/oct04/sc41IBR\(9-15-04\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/oct04/sc41IBR(9-15-04).pdf). For additional information, please contact Lisa Donovan at (405) 702-4100.

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 1 March 2005: Amendments to Radiation Machine Fees (OAC 252:410-3). The OK Department of Environmental Quality (ODEQ) has proposed amendments to its regulations that govern radiation management. The amendments revoke the current Appendix A and add a new, more detailed Appendix A that increases the fees that the Department charges for permit applications and for permit renewals for radiation machines. The amendments also add language to Subchapter 3 to clarify that fees are due annually on the last day of the month in which a permit was issued. The Department held a public hearing 13 April 2005. Comments were due 6 April 2005. The draft Appendix A and revisions to Subchapter 3 are available at <http://www.deq.state.ok.us/LPDnew/Draft%20Rules/Rad/APPENDIX%20A%20proposed%20new%2011-18-04.doc> <http://www.deq.state.ok.us/LPDnew/Draft%20Rules/Rad/Text%20SC%203-3%2012-8-04.doc>. For additional information, please call Mike Broderick at (405) 702-5100.

(UPDATE) OK Department of Environmental Proposed Regulation Published 1 December 2004: Revisions to the Hazardous Waste Regulations through the Adoption of Federal Amendments (OAC 252:205-3-1). ODEQ has proposed amendments to its hazardous waste regulations by reference of the federal regulations. The amendments incorporate the regulations as of 1 July 2004 and include a revision to the used oil management standards. The Environmental Quality Board approved the regulations on 4 March 2005. The regulations were submitted for legislative and gubernatorial review 10 March. Staff reports that the regulations have been approved and filed with the Secretary of State with a tentative effective date of 15 June 2005. For additional information, please contact Gail Hamill at (405) 702-5100.

(UPDATE) OK Water Resources Board Proposed Regulation Published 3 January 2005: Amendments to Stream Water Appropriation and Well Drilling Requirements (OAC 785:1, 785:20 and 785:35). The Board has proposed amendments to its water resources regulations. The amendments add permit conditions to new stream water appropriation permits issued by the Board that are intended to protect navigation use of the water. Additionally, the amendments add a new reason for the non-use of a water right by a permit holder acceptable to the Board. If a permit holder can prove to the Board that the holder made a significant expenditure to build an infrastructure necessary for water use but that the water has not been used due to lack of demand, the holder may avoid the reduction or cancellation of that water right. In addition, the amendments add an exemption to the continuing education requirements for the certification of well drillers and operator certifications. The regulations were submitted for legislative and gubernatorial review 11 March 2005. Staff anticipates that the amendments will become effective in July or August 2005. For additional information, please contact Michael Mathis (405) 530-8800.

(UPDATE) OK Corporation Commission Proposed Regulation: Amendments to Underground Storage Tank Regulations (OAC 165:25). The Commission has proposed amendments to its underground storage tank regulations. The amendments make a number of administrative changes to the regulations and add and remove several definitions. They require that copies of tank testing performed for new tank installation is submitted along with the notice of installation to the Commission. The installation of a drop tube with an overfill device by 15 July 2005 for tank systems that use a form of overfill protection that automatically shuts off flow to the tank when the tank is no more than 95 percent full is also required. Finally, the amendments change the date for submitting records demonstrating compliance with testing or monitoring requirements for vapor recovery systems from 15 June to 15 July 2005. Staff reports that the Commission approved the amendments 31 March 2005 and submitted them for legislative and gubernatorial review. If approved, staff expects the regulations to become effective 1 July. The proposed amendments are available at <http://www.occ.state.ok.us/Divisions/GC/OCCRULES/Proprules/CH%2025%20Draft%20Rules%20February%207%202005.PDF>. For additional information, please call Jeffrey P. Southwick at (405) 522-4457.

(UPDATE) **OK Corporation Commission Proposed Regulation: Amendments to Aboveground Storage Tank Regulations (OAC 165:26)**. The Commission has proposed amendments to its aboveground storage tank regulations that amendments make a number of administrative changes and delete and add definitions, including the addition of a "regulated substances" definition that expands the substances regulated from gasoline, aviation fuel, diesel fuel, and/or volatile blending materials used in motor fuel to include antifreeze, motor oil, motor fuel, and kerosene. The amendments require automatic line leak detectors on all lines, line testing for a minimum of one hour, and the performance of a function test on all leak line detectors at installation. Additionally, the amendments change requirements that tanks installed before 15 July 2000 have a 90 percent alarm or a 95 percent overfill valve from voluntary to mandatory. Staff reports that the Commission approved the amendments 31 March 2005 and submitted them for legislative and gubernatorial review. If approved, staff expects the regulations to become effective 1 July. The proposed amendments are available at <http://www.okc.state.ok.us/Divisions/GC/OCCRULES/Proprules/CH%2026%20Draft%20Rules%20February%207%202005.PDF>. For additional information, please call Jeffrey P. Southwick at (405) 522-4457.

(UPDATE) **OK Corporation Commission Proposed Regulation: Amendments to Regulations that Govern Remediation of Petroleum Storage Tank Sites (OAC 165:29)**. The Commission has proposed amendments to its regulations for the remediation of petroleum storage tank sites. The amendments revise the definition of regulated substances from a list of specific items to "hazardous substances or petroleum regulated by the Petroleum Storage Tank Division." The amendments revise site assessment procedures and update procedures for tank removal/closure and update corrective action requirements and initial response procedures. Additionally, the amendments update the Commission's rules on the denial, suspension, revocation, or refusal to renew a license for remediation consultants. Staff reports that the Commission approved the amendments 31 March 2005 and submitted them for legislative and gubernatorial review. If approved, staff expects the regulations to become effective 1 July. The proposed amendments are available at <http://www.okc.state.ok.us/Divisions/GC/OCCRULES/Proprules/CH%2029%20Draft%20Rules%20Feb%207%202005.PDF>. For additional information, please call Jeffrey P. Southwick at (405) 522-4457.

(UPDATE) **OK Department of Environmental Quality Re-Proposed Regulations Published 15 March 2005: Amendments to the State Toxics Program (OAC 252:100-41)**. The Department has re-proposed updates to the State Toxics program in Chapter 41. ODEQ plans to adopt amendments that will partition existing Subchapter 41 into two subchapters to clarify and modify the state-only requirements for emissions from stationary sources, and relocate these requirements into a new Subchapter 42 and Appendix O. Subchapter 41 would contain the federal requirements for Hazardous Air Pollutants and Asbestos. Staff reports that the Environmental Quality Board will review the regulations for adoption 21 June 2005. If the Board adopts the regulations, the regulations will become effective 15 June 2006. The updated versions of the Subchapters 41 and 42 and Appendix O proposals are available at [http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/SUBCHAPTER%2041%20\(3-09-05\)R.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/SUBCHAPTER%2041%20(3-09-05)R.pdf), [http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/42\(3-14-05\)b.pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/42(3-14-05)b.pdf) and [http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/APPENDIX%20O%20\(03-15-05\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/APPENDIX%20O%20(03-15-05).pdf). For more information, please call Lisa Donovan at (405) 702-4100.

(UPDATE) **OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Increase Annual Operating Fees for Hazardous Air Pollutants and Updates to the State Toxics Program (OAC 252:100-5 And OAC 252:100-41)**. ODEQ has proposed amendments to its air quality regulations that increase annual operating fees for stationary sources that emit hazardous air pollutants, toxic air contaminants and volatile organic compounds. The amendments revise the state air toxics program and relocate state-only requirements for emissions from stationary sources to a new Subchapter 42. The proposed effective date for the new Subchapter 42 is 1 October 2005. If the Department does not receive necessary funding, it will revoke Subchapter 42 before the effective date and maintain the current program in Subchapter 41. ODEQ will bring Subchapters 41, 42 and Appendix O before the Environmental Quality Board on 4 March 2005. The hearing on Subchapter 5 has been continued to 20 April 2005. The revised Subchapter 5 proposal is available at [http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/5\(3-9-05\).pdf](http://www.deq.state.ok.us/AQDnew/proposedrules/apr05/5(3-9-05).pdf). Staff report that the earliest date the amendments would become effective is 15 June 2006. For additional information, please contact Morris Moffett at (405) 702-4100.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) **OK Department of Environmental Quality Proposed SIP Revisions: Attainment of the 8-Hour Ozone Standard in OK.** ODEQ has proposed early State Implementation Plan (SIP) submittals for Oklahoma City and Tulsa to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local Early Action Compact (EAC). Staff reports that the Department has not received USEPA approval yet but expects to by the end of May 2005. The proposed Oklahoma City and Tulsa SIP submittals are available at http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC_SIP.htm. For additional information, please contact Leon Ashford at (405) 702-4173.

EPA Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Central Oklahoma Early Action Compact Area; Ozone, Proposed Rule. EPA is proposing to approve a revision to the Oklahoma State Implementation Plan (SIP) submitted by the Secretary of the Environment on 22 December 2004 for Central Oklahoma. This revision will incorporate a Memorandum of Agreement (MOA) between the Oklahoma Department of Environmental Quality (ODEQ) and the Association of Central Oklahoma Governments (ACOG) into the Oklahoma SIP and includes a demonstration of attainment for the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. The MOA outlines pollution control measures for the Central Oklahoma Early Action Compact (EAC) area. The EAC is designed to achieve and maintain the 8-hour ozone standard more expeditiously than the EPA's 8-hour implementation rulemaking. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the Central Oklahoma EAC and is proposing approval of the associated control measures. EPA is also proposing to approve this revision as a strengthening of the SIP in accordance with the requirements of sections 110 and 116 the Federal Clean Air Act (the Act). For more information, please go to <http://www.epa.gov/fedrgstr/EPAAIR/2005/May/Day-13/a9588.htm>.

EPA Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Tulsa Early Action Compact Area; Ozone, Proposed Rule. EPA is proposing to approve a revision to the Oklahoma State Implementation Plan (SIP) submitted by the Secretary of the Environment on December 22, 2004 for Tulsa. This revision will incorporate a Memorandum of Agreement (MOA) between the Oklahoma Department of Environmental Quality (ODEQ) and the Indian Nation Council of Governments (INCOG) into the Oklahoma SIP and includes a demonstration of attainment for the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. The MOA outlines pollution control measures for the Tulsa Metropolitan Area Early Action Compact (EAC) area. The EAC is designed to achieve and maintain the 8-hour ozone standard more expeditiously than the EPA's 8-hour implementation rulemaking. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the Tulsa EAC area and is proposing approval of the associated control measures. EPA is also proposing to approve this revision as a strengthening of the SIP in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act). For additional information, please go to <http://www.epa.gov/fedrgstr/EPAAIR/2005/May/Day-12/a9483.htm>.

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TEXAS

Legislative/Regulatory Activity

The Texas legislature adjourned *sine die* on 30 May 2005. The following bills "died upon adjournment:"

Texas H.B. 86 - Environmental Administrative Procedures.

Texas H.B. 91 - Emissions.

Texas H.B. 116- Land Use.

Texas H.B. 152- Land Use.

Texas H.B. 217- Noise Pollution.

Texas H.B. 548- Land Use.

Texas H.B. 910- Environmental Crimes/Fines

Texas H.B. 1493- Environmental Administrative Procedures.

Texas H.B. 1987- Underground Storage Tanks, Aboveground Storage Tanks.

Texas H.B. 1991- Recycling (Used Oil), Recycling.

Texas H.B. 2022- Energy Efficiency Standards, Electronic Scrap/Waste.

Texas H.B. 2411 - Emissions Reductions Through Energy Efficiency Standards, Air.

Texas H.B. 2455- Environmental Crimes/Fines, Water Quality, Scrap Automobiles.
Texas H.B. 2545- Noise Pollution.
Texas H.B. 2642- Lead Abatement.
Texas H.B. 3141- Air, Air Toxics.
Texas H.B. 3571- Environmental Administrative Procedures, Groundwater.

STATE OF TEXAS LEGISLATION PASSED

(Signed on 9 May 2005) Texas S.B. 1299 - Used Oil Recycling. This bill provides exceptions to the prohibition against commingling used oil with solid waste if the commingling is incident to the dismantling of scrap, used, or obsolete metals. The bill passed the on 28 House April and was sent to Governor Perry who signed the bill on 9 May 2005. To view the bill, please go to
<http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=01299&VERSION=1&TYPE=B>. Sponsor: Senator Kenneth Armbrister (D)
Companion Bill: H.B. 1991, Duplicate S.B. 758

(Signed on 12 April 2005) Texas S.B. 252 - Land Use, Sustainability, BRAC Authorizing Legislation. S.B. 252 adds military facilities to the definition of projects under the Development Corporation Act of 1979 and expands "projects" to include infrastructure, improvements, land acquisition, buildings, or expenditures that promote or support a military base to prevent closure, attract a new military base, or redevelop a base that has been closed or realigned. Governor Perry signed the bill on 12 April 2005. To access the bill, please go to
<http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00252&VERSION=1&TYPE=B> Sponsor: Senator Craig Estes (R)
Companion Bill: H.B. 458

STATE OF TEXAS PROPOSED LEGISLATION

(UPDATE) Texas H.B. 1987 - Underground Storage Tanks, Aboveground Storage Tanks. H.B. 1987 amends the regulations dealing with underground and aboveground storage tanks by adding/amending Subsection (16-a) that adds a discussion of "Subsurface soil," re-defining "a person" to owner-operator, defining "common carrier", and "granting corrective action exemption." Sources indicate that this measure was sent to Governor Perry on 6 June 2005 for signature. The Governor will have ten days in which to sign or veto or else it will become law without his signature. To access the bill, please go to
<http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=01987&VERSION=1&TYPE=B>. Sponsor: Representative Dennis Bonnen (R)

(UPDATE) Texas H.B. 2340 - Land Use, BRAC Authorizing Legislation. The 7 April 2005 version concerns grants and loans for certain economic development projects to assist defense communities affected by the federal military base realignment and closure process. Sources indicate that this bill was sent to Governor Perry on 20 May 2005 for signature. The Governor will have ten days in which to sign or veto or else it will become law without his signature. To access the bill, please go to
<http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=02340&VERSION=2&TYPE=B>. Sponsor: Representative Frank Corte (R)

(UPDATE) Texas S.B. 1090 – BRAC Authorizing Legislation, Land Use. This bill stipulates that a defense base development authority may exercise power necessary or convenient to (1) adopt an official seal, or alter it; (2) adopt rules; (3) enter into a contract or incur a liability; (4) acquire and dispose of money; (5) select a depository; (6) establish a system of accounts for the authority; and (7) invest funds in accordance with Chapter 2256. Sources indicate that this bill was sent to Governor Perry on 28 May 2005 for signature. The Governor will have ten days in which to sign or veto or else it will become law without his signature. To access the bill, please go to
<http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=01090&VERSION=1&TYPE=B>. Sponsor: Senator Frank Madla (D)

(UPDATE) Texas S.B. 1710 - Air, Air Toxics. S.B. 1710 addresses outdoor burning under the Texas Clean Air Act. TCEQ by rule may control and prohibit the outdoor burning of waste and combustible material and may include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning. The legislation is being driven in part by recent national studies indicating that outdoor burning is the largest emission source of dioxin and of significant amounts of NO_x, VOCs, CO and PM. Regulators in

Texas are becoming concerned that uncontrolled outdoor burning poses a danger to the attainment status of a number of MSAs in Texas, in addition to increasing the dioxin levels in the air and settling on the ground. Sources indicate that this bill was sent to Governor Perry on 1 June 2005 for signature. The Governor will have ten days in which to sign or veto or else it will become law without his signature. To access the bill, please go to <http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/Smatrix.d2w/report?LEG=79&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=01710&SORT=Asc>. Sponsor: Senator Todd Staples (R)

STATE OF TEXAS FINAL RULES

(Effective 19 May 2005) TX Commission on Environmental Quality Final Regulation Published 13 May 2005: Amendments to Transportation Conformity Regulations for Consistency with Federal Changes (2005-002-114-AI) (30 TAC 114.260). TCEQ has adopted amendments to its transportation conformity regulations. The amendments incorporate by reference the 1 July 2004 federal changes. The changes include the application of conformity for one-hour non-attainment or maintenance areas until the effective date of revocation of the one-hour ozone National Ambient Air Quality Standard; for eight-hour attainment areas with or without Motor Vehicle Emission Budgets; for PM_{2.5} non-attainment and maintenance areas; for areas with limited maintenance plans; and for areas with insignificant motor vehicle emissions. The regulations are final, effective 19 May 2005. *For additional information, please contact Debra Barber (512) 239-0412.*

(Effective 19 May 2005) TX Commission on Environmental Quality Final Regulation: Revisions to NO_x Rule to Implement Increment of Progress Control Measures (2005-004-117-AI) (30 TAC 117). TCEQ has adopted amendments to its regulations that govern NO_x emissions. The amendments revise NO_x control measures on lean-burn and rich-burn internal combustion engines in order to meet EPA requirements for the NO_x portion of the 5% Increment of Progress State Implementation Plan revision in the Dallas/Fort Worth Ozone non-attainment area. The amendments also clarify requirements for businesses that meter and monitor NO_x emissions in ozone non-attainment areas. The regulations are final, effective 19 May 2005. *For additional information, please contact Emily Barrett (512) 239-3546.*

(Effective 5 May 2005) TX Commission on Environmental Quality Final Regulation: Revisions to VOC Rules for the Dallas/Fort Worth Non-attainment Area (2005-005-115-AI) (30 TAC 115.10, 115.229 and 115.429). The Commission has adopted amendments to VOC control requirements for the Dallas/Fort Worth non-attainment area to include all counties. The revisions require operators of fuel dispensing facilities in Ellis, Johnson, Kaufman, Parker, and Rockwall counties that dispense between 10,000 and 125,000 gallons of gasoline in a month to implement Stage I vapor recovery controls. The revisions require operators of surface coating facilities in Ellis, Johnson, Kaufman, Parker, and Rockwall counties to implement VOC emissions control measures. The regulations were final, effective 5 May 2005. The adopted amendments are available at http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/05005115_ado.pdf. *For additional information, please contact Emily Barrett at (512) 239-3546.*

STATE OF TEXAS PROPOSED RULES

(UPDATE) TX Commission on Environmental Quality Proposed Regulation: Revision of Official Maps for Edwards Aquifer Recharge Zone (2003-029-213-WT) (30 TAC 213.3 (27)). The Commission is revising the official maps for the Edwards Aquifer recharge zone that are incorporated by reference in 30 TAC 213.3 (27). Owners or developers of land in certain areas that are currently in transition or contributing zones may be directly affected by re-designation of those areas as recharge zone. The proposal to re-designate certain areas from transition zones to recharge zones will not change the current aboveground or underground storage tank requirements in those areas. However, the re-designation could affect the regulation of activities such as the construction of buildings, utility stations, utility lines, roads, highways, or railroads as well as the clearing of land or other activities, which may affect the topographic or stormwater runoff characteristics of a site. The Commissioners are scheduled to review the regulations for adoption 10 August 2005. The proposed amendments are available at http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/03029213_pro.pdf. *For additional information, please contact Debi Dyer at (512) 239-3972.*

(UPDATE) TX Commission on Environmental Quality Proposed Regulation Published 3 December 2004: Amendments to Transportation Conformity Regulations for Consistency with Federal Changes (2005-002-114-AI) (30 TAC 114.260). TCEQ has proposed amendments to its transportation

conformity regulations. The amendments incorporate by reference the 1 July 2004 federal changes. The changes include the application of conformity for one-hour non-attainment or maintenance areas until the effective date of revocation of the one-hour ozone National Ambient Air Quality Standard; for eight-hour attainment areas with or without Motor Vehicle Emission Budgets; for PM_{2.5} non-attainment and maintenance areas; for areas with limited maintenance plans; and for areas with insignificant motor vehicle emissions. The Commission adopted the amendments on 27 April 2005 with a scheduled effective date of 19 May 2005. The most recent version of the amendments is available at http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/05002114_ado.pdf. For additional information, please contact Debra Barber (512) 239-0412.

(UPDATE) TX Commission on Environmental Quality Proposed Regulation: Revisions to NO_x Rule to Implement Increment of Progress Control Measures (2005-004-117-AI) (30 TAC 117). TCEQ has proposed amendments to its regulations that govern NO_x emissions. The amendments revise NO_x control measures on lean-burn and rich-burn internal combustion engines in order to meet EPA requirements for the NO_x portion of the 5% Increment of Progress State Implementation Plan revision in the Dallas/Fort Worth Ozone Non-attainment area. The amendments also clarify requirements for businesses that meter and monitor NO_x emissions in ozone non-attainment areas. The Commission adopted the amendments on 27 April 2005. The scheduled effective date is 19 May 2005. The most recent version of the amendments is available at http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/05004117_ado.pdf. For additional information, please contact Emily Barrett (512) 239-3546.

(UPDATE) TX Commission on Environmental Quality Proposed Regulation Published 31 December 2004: Federal Updates to MACT Standards (2002-036c-113-AI) (30 TAC 113). The Commission has proposed amendments to its maximum achievable control technology (MACT) standards for hazardous air pollutants. The amendments update the regulations through incorporation by reference of revisions to the federal standards. The amendments would also incorporate by reference sections that are new to the state regulations, including a section that contains requirements for control technology determinations for major sources in accordance with the Clean Air Act. The regulations were sent to the Commissioners for approval on 25 May 2005. An updated version of the regulations is available at http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/02036c113_ado.pdf. For additional information, please contact Joseph Thomas at (512) 239-4580.

(UPDATE) TX Commission on Environmental Quality Draft Regulation: Extension of Expiration Date for Emissions Events and Scheduled Maintenance (2005-023-101-AI) (30 TAC 101, Subchapter F). TCEQ has drafted amendments to its rules that govern emissions events and scheduled maintenance for pollution emission capture and abatement equipment. The amendments will extend the expiration date of the rule section from 30 June 2005 to 15 January 2006. If TCEQ submits a revised version of the section to USEPA for approval for inclusion in the State Implementation Plan, the expiration date will be extended to June 30, 2006. The Commissioners are scheduled to review the amendments for adoption 3 June 2005. USEPA processed this on a parallel basis accepted comments on its proposed grant of limited approval of these amendments as a SIP revision on 8 June 2005. The draft amendments are available at http://www.tnrc.state.tx.us/oprd/rule_lib/proposals/05023101_pro.pdf. For additional information, please contact Patricia Duron at (512) 239-4900

(UPDATE) TX Commission on Environmental Quality Proposed and Adopted SIP Revision: Early Action Compact Plans. TCEQ is proposing revisions to the SIP that incorporates Early Action Compact Plans submitted to the Commission at the end of March 2004. The plans are for the three near non-attainment areas of Austin-San Marcos, San Antonio, and Northeast Texas. These three areas each entered into an EAC with TCEQ and EPA, and committed to developing Clean Air Action plans for the attainment and maintenance of the 8-hour ozone standard within the areas. EPA has approved proposal of these revisions and accepted comments regarding its proposed approval of the Northeast Texas 15 June 2005 and Austin and San Antonio revisions 22 June 2005. The EAC plans for the Austin, San Antonio and Northeast Texas areas are available at http://www.tnrc.state.tx.us/oprd/sips/AUS_EAC_032904.pdf, http://www.tnrc.state.tx.us/oprd/sips/SA_EAC_ExecSum_033104.pdf, and http://www.tnrc.state.tx.us/oprd/sips/NET_EAC_033104.pdf. For additional information, please contact Gerry Wolfe (512) 639-4703.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) TX Commission on Environmental Quality Departmental Discussion: Amendments to Emissions Events Rules (30 TAC 101). TCEQ is discussing amendments to its regulations that govern emissions event requirements. The amendments revise recordkeeping and reporting requirements and also revise demonstration standards and the notice requirements. The Commission is planning to propose amendments in mid-July 2005. *For additional information, please contact Steve Ligon at (512) 239-4527.*

(NEW) TX Commission on Environmental Quality Departmental Discussion: Amendments to Inspection and Maintenance Requirements for the El Paso Program Area (30 TAC 114.50, 114.51, 114.53). The Commission is discussing amendments to its regulations that govern Inspection and Maintenance (I&M) requirements in the El Paso area that require two-speed idle (TSI) and on-board diagnostic (OBD) testing as of 1 May 2006. The amendments also revise emissions testing equipment standards. The Commission tentatively plans to propose the amendments by the end of June or beginning of July 2005. *For additional information, please contact Bobby Wierzowiecki at (512) 239-1769.*

(NEW) TX Commission on Environmental Quality Draft Plan: April 2005 Update to Water Quality Management Plan. TCEQ has proposed an April 2005 update of the Water Quality Management Plan (WQMP). The WQMP is developed and promulgated in accordance with the requirements of the Federal Clean Water Act (CWA), Chapter 208. The April 2005 report contains projected effluent limit updates. TCEQ will accept comments through 6 June 2005. The draft update is available at http://www.tnrc.state.tx.us/permitting/waterperm/wqmp/apr_05_draft.pdf. *For additional information, please contact Nancy Vignali at (512) 239-1303.*

(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Amendments to RCRA Standards, HAP Standards for Combustors and Solid Waste Definition (30 TAC Chapters 305 and 335). The Commission is discussing amendments to update its regulations with federal changes to RCRA clusters XI-XIII. The Commission is also discussing amending combustor hazardous air pollutant standards and amending the definition of solid waste in the same rulemaking package. Staff anticipate that the Commission will propose changes in early fall 2005. *For additional information, please contact Cynthia Palomares at (512) 239-6079.*

(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Updates to Federal New Source Review Permitting in State Implementation Plan (30 TAC 116). TCEQ is discussing a rulemaking to update federal New Source Review permitting in the State Implementation plan to revise permitting requirements for federal Prevention of Significant Deterioration and non-attainment projects. The tentative date for review of the proposal is now 27 July 2005. *For additional information, please contact Alan Henderson at (512) 239-1510.*

(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Revisions to Permits by Rule for Stationary Engines and Turbines (30 TAC 106.512). TCEQ is discussing a rulemaking to amend its regulations that govern permits by rule for gas or liquid fuel-fired stationary internal combustion reciprocating engines or gas turbines that streamline and clarify the permitting requirements. The tentative proposal date has been changed to 10 August 2005. *For additional information, please contact Alan Henderson at (512) 239-1510.*

(UPDATE) TX Commission on Environmental Quality Revised Draft Report: Water Quality Inventory and 303(d) List. TCEQ has issued a revised 2004 Draft Water Quality Inventory and 303(d) List report for public comment. The revision lists the changes made to the list since the Commission originally released it in January 2004. The Commission is soliciting comments on: (1) any new information contained in its 2004 Assessments of Individual Water Bodies; (2) categories assigned to parameters where new information has caused the category to change; (3) guidance changes indicated as new and not implemented previous to 2004; and (4) TMDL ranking. Staff presented the list to the Commissioners on 13 May 2005. Staff anticipates that the list will be submitted to USEPA soon thereafter. The revised draft is available online at http://www.tnrc.state.tx.us/water/quality/04_twqi303d/ChangesSinceJan23.pdf. *For additional information, please call Patrick Roques at (512) 239-4604.*

(FINAL REPORT) TX Commission on Environmental Quality Final Report: 2002 Integrated Water Quality Monitoring and Assessment Report. TCEQ adopted the impaired waterbody assessments for: (1) Canadian River Basin; (2) Red River Basin; (3) Sulphur River Basin; (4) Sabine River Basin; (5) Neches River Basin;

(6) Neches-Trinity Coastal Basin; (7) Cypress River Basin; (8) Trinity River Basin; (9) Trinity-San Jacinto Coastal Basin; (10) San Jacinto River Basin; (11) San Jacinto-Brazos Coastal Basin; (12) Brazos River Basin; (13) Brazos-Colorado Coastal Basin; (14) Colorado River Basin; (15) Colorado-Lavaca Coastal Basin; (16) Lavaca River Basin; (17) Lavaca-Guadalupe Coastal Basin; (18) Guadalupe River Basin; (19) San Antonio River Basin; (20) San Antonio-Nueces Coastal Basin; (21) Nueces River Basin; (22) Nueces -Rio Grande River Basin; (23) Rio Grande river Basin; (24) Bays and Estuaries; and (25) Gulf of Mexico. The Commission has combined the 303(d) list of impaired waters and the 305(b) methodology for identifying impaired waters, and has released the proposed 2002 Water Quality Monitoring and Assessment report. The Integrated Report is a summary of the status of surface waters in the state, in accordance with new draft guidance issued by the USEPA. The Integrated Report will be used by TCEQ for management decisions including monitoring, planning, and implementing; for funding best management practices to control pollution sources; and to develop a list of impaired waters for the purpose of selecting water bodies for which total maximum daily load analyses will be initiated. USEPA approved the 2002 303(d) list in February 2005. The final report is available online at http://www.tnrcc.state.tx.us/water/quality/02_twqmar/index.html. For additional information, please call Michelle Blair at (512) 239-4741.

(FINAL PLAN) TX Commission on Environmental Quality Final Plan: October 2004 Update to Water Quality Management Plan. The Commission has issued a final October 2004 update of the Water Quality Management Plan (WQMP). The WQMP is developed and promulgated in accordance with the requirements of the Federal Clean Water Act (CWA), Chapter 208. The October 2004 contains projected effluent limit updates. The plan was final, effective 7 December 2004 with a finalized update issued on 8 March 2005. The final update is available at http://www.tnrcc.state.tx.us/permitting/waterperm/wqmp/jan_05_final.pdf. For additional information, please call Nancy Vignali at (512) 239-1303.

(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Revision of the Administrative Penalty Policy. TCEQ is planning a revision of its administrative penalty policy as a result of the enforcement review process conducted in 2004. The Commission plans to establish a standard penalty structure for violations. Staff reports that the Commission plans to hold stakeholder meetings in March and April 2005. The Commission has cancelled stakeholder meetings planned for 13, 16, 18, 20, 24 and 27 May 2005 to gather input regarding the penalty policy. Staff is unsure when the meetings will be rescheduled. For additional information, please contact John Sadlier at (512) 239-6012.

EPA Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the Austin Early Action Compact Area; Vehicle Inspection and Maintenance Program for Travis and Williamson Counties, Proposed Rule. EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Chairman of the Texas Commission on Environmental Quality (TCEQ) on 6 December 2004. The proposed revisions include the modeled attainment demonstration of the 8-hour ozone standard and the Clean Air Action Plan (CAAP) for the Austin Early Action Compact (EAC) area. EPA is proposing approval of the photochemical modeling in support of the attainment demonstration of the 8-hour ozone standard within the Austin EAC area, the Austin EAC CAAP and related control measures. EPA is also proposing to approve a vehicle inspection and maintenance (I/M) program for Travis and Williamson Counties, which are within the Austin EAC area. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-23/a10194.htm>.

EPA Approval and Promulgation of Air Quality Implementation Plans; Texas; Clean Air Action Plan and Attainment Demonstration for the Northeast Texas Early Action Compact Area; Agreed Orders Regarding Control of Air Pollution for the Northeast Texas Area, Proposed Rule. EPA is proposing to approve Texas State Implementation Plan (SIP) revisions submitted by the State on 18 July 2002 and 6 December 2004. Approval will incorporate the following changes into the SIP: The Clean Air Action Plan (CAAP) and the related attainment demonstration of the 8-hour ozone standard for the Northeast Texas Early Action Compact (EAC) area and Agreed Orders regarding control of air pollution for the Northeast Texas area. EPA is proposing approval pursuant to sections 110 and 116 of the Federal Clean Air Act (CAA). For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-16/a9720.htm>.

EPA Approval and Promulgation of Implementation Plans; State of Texas; Control of Air Pollution From Motor Vehicles, Mobile Source Incentive Programs, Proposed Rule. EPA is proposing to approve revisions to the Texas State Implementation Plan (SIP) to incorporate the Texas Emission Reduction Plan (TERP) into the Texas SIP. The TERP is utilized in each of the non-attainment areas and near non-attainment areas in the

state to achieve reductions in the emissions of oxides of nitrogen from on-road and non-road mobile sources. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-12/a9480.htm>.

EPA Limited Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, and Malfunction Activities, Proposed Rule. EPA is proposing to grant limited approval of revisions to the Texas State Implementation Plan (SIP) through the parallel processing mechanism. Specifically, EPA is proposing to grant limited approval of revisions to 30 TAC Chapter 101, General Air Quality Rules concerning excess emissions during startup, shutdown, and malfunction (SSM) activities. The action will have the effect of extending the expiration date of certain provisions from 30 June 2005 to no later than 30 June 2006. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-09/a9216.htm>.

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites

Iowa Department of Natural Resources (IDNR)	http://www.state.ia.us/dnr/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

IOWA

Legislative/Regulatory Activity

The Iowa legislature adjourned *sine die* on 30 May 2005. The following bills were carried over to the 2006 session upon the 20 May 2006 adjournment:

Iowa H.F. 58 – Wetlands.

Iowa H.F. 132 - Conservation, Environmental Administrative Procedures.

Iowa H.F. 271 - Water Quality, Water.

Iowa S.F. 81 - Environmental Administrative Procedures, Abandoned Property.

Iowa S.F. 82 – Pesticides.

Iowa S.F. 347 - Alternative Fuels.

STATE OF IOWA LEGISLATION PASSED

(Signed on 4 May 2005) Iowa S.F. 375 – Cleanup. S.F. 375 enacts the Uniform Environmental Covenants Act to regulate environmental covenants. "Environmental covenant" means a servitude arising under an environmental response project that imposes activity and use limitations. The Governor signed the bill with an effective date of 1 July 2005. Sponsor: Senate Natural Resources and Environment

STATE OF IOWA PROPOSED RULES

(NEW) IA Department of Natural Resources Proposed Amendment 11 May 2005: Emissions Standards for Contaminants (567 IAC 23). The Department is proposing an amendment to Chapter 23 "Emission Standards for Contaminants." This amendment would clarify that ordinary travel on an unpaved public road includes routine traffic and road maintenance activities. Scarifying, compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface are considered to be road maintenance activities that are classified as ordinary travel. Unpaved public road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping are not continuous by nature and are normally of a short duration at a specific location. These activities usually do not generate particulate matter in quantities sufficient to be considered a nuisance or a threat to public health. The Department has historically treated these types of road

maintenance activities as ordinary travel. Comments were due on 17 June 2005. A public hearing will be held on 15 June 2005. To view the amendments, please go to <http://www.legis.state.ia.us/Rules/Current/Bulletin/IAB050511.pdf> (page 17 of 92). For additional information, please contact Christine Paulson at (515) 242-5094.

(UPDATE) IA Department of Natural Resources Draft Regulation: 2004 303(d) List. IDNR has drafted the 2004 303(d) list of impaired waters. Under section 303(d), states, territories, and authorized tribes are required to develop lists of impaired waters. These impaired waters do not meet water quality standards that states, territories, and authorized tribes have set for them, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop TMDLs for these waters. Staff reports the list is being finalized and the responsiveness summary is being prepared for submission to EPA in May. To view the TMDL lists, please go to <http://www.iowadnr.com/water/tmdlwqa/wqa/303d.html>. For additional information, please call Chris Van Gorp at (515) 281-4791.

(UPDATE) A Department of Natural Resources Draft Regulation: New Source Review Reform Regulations (567 IAC 20, 22, 31, 33). IDNR has proposed revisions to adopt the New Source Review Reform regulations. Five elements of the major NSR program are affected by this rule making. These elements include the procedure for calculating baseline actual emissions, actual-to-projected actual emissions calculation methodology, plant wide applicability limitations (PALs), emissions units that have been designated as Clean Units and pollution control projects (PCPs). This rule making also adds a new definition of "regulated NSR pollutant" that clarifies which pollutants are regulated for the purposes of major NSR. For additional information, please go to <http://www.iowadnr.com/air/prof/const/nsrreform.html>, <http://www.iowadnr.com/epc/05jan/12.pdf>, and <http://www.legis.state.ia.us/Rules/Current/Bulletin/IAB050216.pdf> (page 21 of 92). For additional information, please contact Jim McGraw at (515) 242-5167.

(UPDATE) IA Department of Natural Resources Draft Regulation: Air Quality Program Rule Updates (567 IAC 20, 21, 22, 23 and 25). IDNR has prepared amendments to update the air quality program rules. The amendments will include: (1) Makes date modifications throughout Chapters 20, 22, 23 and 25 to reference the most recent date for which changes to 40 Code of Federal Regulations, Parts 51, 52, 60, 61, 63, 70, 72, 73, 75, 76, 77 and 78 were published; (2) Adds a definition in Chapter 20, under rule 20.2 for "untreated" as it relates to wood, seeds, pellets and other vegetative matter. This definition is being added to clarify that untreated wood does not include wood or wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper acetate, pentachlorophenol or creosote. Untreated seeds, pellets or other vegetative matter does not include those materials that have been treated with pesticides; (3) Provides clarification in Chapter 21, under the Variance rules under paragraph 21.2(3)"a". These are the provisions for granting a variance for the purpose of testing an alternative fuel. This change will more clearly explain that a project subject to certain federal requirements may not obtain a variance from air quality rules. This change was made at the request of EPA; (4) Provides clarification in Chapter 22 under subrule 22.1(3) for construction permit applications. This rule specifies the qualifications for engineers preparing and submitting applications. The proposed rules replace the word "registered" with the word "licensed." This change is to make the wording consistent with Iowa Code 542B.1, in which "registered" was replaced with "licensed" in 1995. The proposed rules now require that engineers submitting applications be professional engineers licensed in the state, or be full-time employees of the corporation submitting the application, consistent with the provisions of Iowa Code 542B.26; (5) Amends the definition of "hazardous air pollutant" under the Title V rules in rule 22.100. On November 29, 2004, EPA published a final rule to delete ethylene glycol ether from the list of HAPs. The proposed change to 22.100 will state that ethylene glycol ether is no longer included in the group of glycol ethers that are considered to be HAPs; (6) Changes the requirements for submitting Title V Operating Permit applications, under rule 22.105, to reduce the number of copies required for permit from four copies to three copies, and to specify the offices where each copy must be mailed; (7) Changes the requirements under subrule 22.128(4) for Acid Rain applications to reduce the number of copies required to be submitted from four copies to three copies; (8) Adds a new rule 22.209 to specify the information that must be submitted when there is a change of ownership for a facility with a voluntary operating permit; (9) Adds a new rule 22.300 to specify the information that must be submitted when there is a change in ownership for a facility with an operating permit by rule for small sources; and (10) Adopts by reference four recently promulgated federal National Emission Standards for Hazardous Air Pollutants (NESHAPS). The Environmental Protection Commission reviewed the rulemaking on 16 May 2005 for final adoption.

If approved, the final rules will be published in the Iowa Administrative Code (IAC) and Iowa Administrative Bulletin (IAB) on 8 June 2005 and will become effective 13 July 2005. To view the rules, please go to <http://www.iowadnr.com/epc/05jan/13.pdf> and <http://www.iowadnr.com/epc/05feb/9.pdf>. For additional information, please contact Christine Paulson at (515) 242-5094.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(Effective 1 July 2005) EPA Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa, Direct Final Rule. EPA approved a State Implementation Plan (SIP) revision submitted by the state of Iowa for the purpose of clarifying that only untreated wood, seeds, pellets and other vegetative matter may be burned in fuel burning equipment and residential heating units; to remove a reference to a boiler that was removed at a power and water facility, and to clarify the language with regard to continuous emissions monitoring. One administrative correction to the operating permit program is also included in this revision. Approval of these revisions will ensure consistency between the state and Federally-approved rules, and ensure Federal enforceability of the state's revised air program rules. This direct final rule will be effective 1 July 2005, without further notice, unless EPA receives adverse comment by 1 June. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect. For more details, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-02/a8708.htm>.

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KANSAS

Legislative/Regulatory Activity

The Kansas legislature adjourned *sine die* on 20 May 2005.

STATE OF KANSAS FINAL RULE

(Effective 20 May 2005) KS Department of Health and Environment Final Regulation: Surface Water Quality Standards (28-16-28g). KDHE adopted amendments to its surface water quality standards, included in the Surface Water Register. The Register identifies major classified streams, lakes, wetlands and the uses that are existing or attainable. Thirteen stream segments are proposed for removal from classification, 282 stream segments are proposed as secondary contact recreation and 132 stream segments are proposed as primary contact recreation. Five lakes are proposed for removal from classification, one lake is proposed as secondary contact recreation and 39 lakes are proposed as primary contact recreation and food procurement. The rule was effective 20 May 2005. *For additional information, please contact Ricquelle Landis at (785) 296-6603.*

STATE OF KANSAS PROPOSED RULE

(NEW) KS Department of Health and Environment Proposed Regulation Published on 11 May 2005: Revisions to Air Quality Regulations. The Department is finalizing three sets of revisions to sections of 28-19. The first revision would revoke section 28-19-22 "sulfur compound emissions." Because the lead and zinc smelters have ceased to operate and because the refineries are now subject to more stringent requirements for sulfur emissions under the new source performance standards, the Department has determined that the sulfur rule may be revoked without detriment. The second proposal would revoke the existing Class III permits regulations at KAR 28-19-575 through 28-19-578. This revocation streamlines the air emissions sources permitting process. The third set of proposed regulations would amend the emissions inventory and permit-by-rule regulations, "inventory rules." The primary changes are to adjust the annual reporting date for Class II permittees from the current due date of 1 June to 1 April. An additional component is to change the language of the permits-by-rule to eliminate the specific due date reference and to change that language to reference to the date in 28-19-546. This simplifies any future changes to the due date. Comments were due by 6 July 2005. A public hearing will be held on 6 July 2005. To view the revisions, please go to http://www.kdhe.state.ks.us/bar/public_notice/HearingNotice2rev.pdf. *For additional information, please contact Ralph Kieffer at (785) 296-6428.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(Effective 2 June 2005) EPA Air Quality Re-designation for the 8-Hour Ozone National Ambient Air Quality Standard for Some Counties in the State of Kansas. EPA is re-designated several counties in the Kansas City area from unclassifiable to attainment for the 8-hour ozone National Ambient Air Quality Standard

(NAAQS). The counties are Johnson, Linn, Miami and Wyandotte Counties in Kansas. This rule is effective on 2 June 2005. For additional details, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-03/a8707.htm>.

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MISSOURI

Legislative/Regulatory Activity

The Missouri legislature adjourned *sine die* 13 May 2005. The following bills “died” upon adjournment:

Missouri H.B. 31 - Lead Abatement

Missouri H.B. 348 - Land Use

Missouri H.B. 438 - Lead Abatement

Missouri H.B. 597 - Fuels

Missouri H.B. 768 - Emissions, Mercury

Missouri S.B. 22 – Emissions

STATE OF MISSOURI LEGISLATION PASSED

(Effective 28 August 2005) Missouri S.B. 95 - Lead-Based Paint, Lead Abatement. S.B. 95 allows fines to be imposed in the event of lead abatement and lead poisoning of children. The bill was sent to Governor Blunt on 26 May 2005 for signature. Sources indicate that the governor signed the bill with an effective date of 28 August 2005. Sponsor: Senator Maida Coleman (D)

STATE OF MISSOURI PROPOSED LEGISLATION

(UPDATE) Missouri H.B. 824 - Air, Air Pollution Prevention, Air Toxics. H.B.824 states that any air contaminant source required to obtain a permit issued under Sections 643.010 to 643.190 shall pay an annual fee. For the first year, the fee will be \$25 per ton of each regulated air contaminant emitted. After the first year, the fee will be set by the (Air Conservation) Commission by rule on an annual basis and will be at least \$25 per ton of regulated air contaminant emitted but not more than \$40 per ton of regulated air contaminant emitted in the previous calendar year. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility will be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits will pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit. The bill was passed by the Senate and sent to Governor Blunt for signature on 26 May 2005. To view the current version of the bill, please go to <http://www.house.state.mo.us/bills051/biltxt/intro/HB0824I.htm>. Sponsor: Representative Steve Hobbs (R)

(UPDATE) SCS/SB 6 Missouri Alternative and Renewable Energy Technology Commission. The Commission shall have seven members. The directors from the Departments of Agriculture, Economic Development, and Natural Resources are members. Other members include four individuals with a mixture of backgrounds in alternative and renewable energy research, business, and environmental stewardship. The Governor with advice and consent of the Senate shall appoint the individuals. The Commission is responsible for: (1) Collecting data for the development and use of alternative and renewable energy as a source of power; (2) Evaluating existing incentive programs that promote the development and use of alternative and renewable energy; (3) Creating new incentives and programs to promote alternative and renewable energy use; and (4) Making recommendations to the Legislature on program developments and uses for alternative and renewable energy. The commission will develop a comprehensive guide to alternative and renewable energy development, production and use. The prospects for passage are considered favorable. The bill passed the Senate and referred it to the House Utilities Committee, which reported the bill as do pass, and submitted the measure to the House Rules Committee. This committee also reported the bill as do pass. To view the bill, please go to http://www.senate.mo.gov/05info/BTS_Web/Bill.aspx?SessionType=R&BillID=122. Sponsor: Senator David Klindt

STATE OF MISSOURI PROPOSED RULES

(UPDATE) MO Department of Natural Resources Proposed Regulation Published 18 January 2005: Amendments to Basic and Intermediate Operating Permit Program (2645) (10 CSR 10-6.065). MDNR has proposed revisions to its basic and intermediate operating permit programs. The revisions to the operating permit

program for basic sources include the treatment of fugitive emissions with regard to applicability, an installation equipment log for the record keeping requirement, a clarification of permit amendments and modifications, the removal of the annual compliance certification, and a revised operating permit notification. The changes to the operating permit program for intermediate sources would revise the program to mirror 40 CFR Part 70, which adds flexibility to the processing of permits. Based on this rulemaking, the Missouri Air Conservation Commission has granted a variance from the existing basic operating permit requirements of 10 CSR 10-6.065(4)(G), Notification Contents, by allowing basic installations to use the revised operating permit notification forms. Because of the variance, basic installers will not be required to submit an annual compliance certification requirement for 2003 under 10 CSR 10-6.065(4)(I), Compliance Reporting obligations. Staff report that the regulations were adopted 28 April 2005. Staff also report that the planned effective date has been changed from 30 August to 30 September 2005. The proposed rules are available at pdf pages 6-16 of the Proposed Rules section of the 18 January 2005 Missouri Register: <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n2/v30n2b.pdf>. The revised basic operating permit notification form is available under the heading "Air Pollution" and subheading "Generic Operating Permit" at <http://www.dnr.mo.gov/oac/forms>. For additional information, please contact Ben Elmore at (573) 751-4817.

(UPDATE) MO Department of Natural Resources Proposed Regulation: NO_x Emissions Limits for Electric Generating Units and Non-Electric Generating Boilers (2727) (10 CSR 010-06.360). The Department is proposing regulations that set emissions caps for NO_x for electric generating units and non-electric generating boilers in the eastern one-third of Missouri. The regulations apply to electric generating units with design capacities greater than 25 megawatts and non-electric generating boilers with a design capacity of greater than 250 million BTUs per hour. The Air Conservation Commission reviewed the amendments for adoption on 26 May 2005. A draft is available at <http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/6-360/6-360DRT.pdf>. For additional information, please call Refaat Mefrakis at (573) 751-4817.

(UPDATE) MO Department of Natural Resources Proposed Regulation: NO_x Emissions Limits for Cement Kilns and Internal Combustion Engines (0765 And 0766) (10 CSR 010-06.380 and 010-06.390). MDNR is proposing regulations that set NO_x emissions limits for portland cement kilns and internal combustion engines. The regulations also require portland cement kilns with NO_x emissions greater than one ton per day to reduce emissions by 30% from 2007 base levels. The regulations require large stationary combustion engines to reduce emissions by 90% from 2007 base levels. The Air Conservation Commission reviewed the amendments for adoption on 26 May 2005. The proposed rules are available in the 15 March 2005 issue of the MO Register at pdf pages 45 - 50: <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n6/v30n6a.pdf>. For additional information, please call Refaat Mefrakis at (573) 751-4817.

(UPDATE) MO Department of Natural Resources Draft Rules Published 2 May 2005: Amendments to Transportation Conformity Regulations (10 CSR 10-2.390 and 10-5.480). The Department has issued draft proposals that amend the transportation conformity regulations for Kansas City and St. Louis. The amendments revise the regulations to update recent changes to the federal transportation conformity rules. The updates include new transportation conformity standards for 8-hour ozone and PM_{2.5}. MDNR will hold a public hearing on 30 June 2005. Comments are due 7 July 2005. The proposed rules are in the Proposed Rules section of the 2 May 2005 Missouri Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n9/v30n9c.pdf>. For additional information, please contact Don Cripe at (573) 751-4817.

(UPDATE) MO Department of Natural Resources Proposed Regulation Published 2 May 2005: Amendments to Water Quality Standards Based on Triennial Review (10 CSR 020-07.031). MDNR has completed a 2003 triennial review of Missouri's water quality standards and has proposed amendments to the standards. In addition to other changes, the amendments: (1) add whole-body contact recreation use to all classified waters in the state; (2) revise definitions of 7-day and 60-day Q10; (3) add definitions of 30-day and 1-day Q10; (4) add language for antidegradation policy implementation development; (5) remove language associated with site-specific dissolved oxygen; (6) add language for site-specific criteria methods for all water quality criteria for the protection of aquatic life; and (7) replace existing ammonia criteria with new criteria. The Department held a public hearing on 6 May 2005. Comments are due 14 July 2005. The proposed amendments are in the Proposed Rules section of the 2 May 2005 Missouri Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n9/v30n9c.pdf>. For additional information, please contact Phil Schroeder at (573) 751-6825.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) **MO Department of Natural Resources Departmental Discussion: MO SIP Revised NAAQS Plan, Ozone And PM_{2.5}.** MDNR is discussing regulations and SIP amendments to adopt the new and revised federal standards for ozone and PM_{2.5}. The 12 criteria for determining the appropriate non-attainment boundaries include: (1) emissions and air quality; (2) population density and degree of urbanization; (3) monitoring data representing ozone concentrations; (4) location of emission sources; (5) traffic and commuting patterns; (6) expected growth; (7) meteorology; (8) geography/topography; (9) jurisdictional boundaries; and (10) regional emission reductions. The Department has prepared an unofficial table of areas that would not be in compliance with the ozone standard. Some parts of the St. Louis and Kansas City area may be in non-attainment. Staff reports that the Department submitted the recommendations for establishing geographical non-attainment boundaries for ozone and PM_{2.5} to EPA who has agreed with Missouri's proposal and will make a decision on whether to establish the boundaries within the next few months. Staff reports that the Department is working on the regulations to adopt the federal ozone and PM_{2.5} standards. MDNR has established stakeholder workgroups to develop attainment demonstration and control strategies for the 8-hour ozone and PM_{2.5} SIPs for St. Louis. The Control Strategy workgroup met 13 May 2005, the Modeling and Data Analysis workgroup met again on 12 June 2005 and the control strategy workgroup met on 24 June 2005. Staff reported that the Department is working on the regulations to adopt the federal ozone and PM_{2.5} standards. Staff now anticipates that the Department will post draft rules in August 2005. *For additional information, please contact John Rustige at (573) 751-4817.*

(UPDATE) **MO Department of Natural Resources Draft Document: Missouri Risk-Based Corrective Action Technical Guidance.** The Department has drafted a Missouri Risk-Based Corrective Action Technical Guidance document. The draft amends existing guidance through the addition of methodology for ecological risk assessment at the Default Target Level. The draft adds a section to provide guidance on long-term stewardship of cleanup sites. The draft also adds information regarding an internal dispute resolution process for the resolution of issues prior to a formal hearing. Additionally, the draft adds language that requires departmental approval of field data collection. Staff anticipates that the guidance will go final by the end of August 2005. Staff expects the promulgation of the parallel rule to take 13-18 months. The draft document and appendices are available at [http://www.dnr.mo.gov/alpd/hwp/mrbca/ref/draft-mrbca-first\(sections\)02-18-05.pdf](http://www.dnr.mo.gov/alpd/hwp/mrbca/ref/draft-mrbca-first(sections)02-18-05.pdf) and [http://www.dnr.mo.gov/alpd/hwp/mrbca/ref/draft-mrbca-second\(appendices\)02-18-05.pdf](http://www.dnr.mo.gov/alpd/hwp/mrbca/ref/draft-mrbca-second(appendices)02-18-05.pdf). *For additional information, please contact Linda Vogt at (573) 751-2747.*

(Effective 2 June 2005) EPA Air Quality Re-Designation for the 8-Hour Ozone National Ambient Air Quality Standard for Some Counties in the State of Missouri. EPA is re-designating several counties in the Kansas City area from unclassifiable to attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The counties are Cass, Clay, Jackson, and Platte Counties in Missouri. This rule is effective on 2 June 2005. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-03/a8707.htm>.

(Effective 1 June 2005) EPA Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri, Direct Final Rule. EPA is approving revisions to the Missouri State Implementation Plan (SIP) and Operating Permits Program by approving a revision to the Missouri rule entitled "Submission of Emission Data, Emission Fees, and Process Information." This revision ensures consistency between the state and the Federally-approved rules. This direct final rule will be effective 1 July 2005, without further notice, unless EPA receives adverse comment by 1 June. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-02/a8703.htm>.

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NEBRASKA

Legislative/Regulatory Activity

The Nebraska legislature is in session from 1 January to 3 June 2005.

STATE OF NEBRASKA LEGISLATION PASSED

(Signed 27 April 2005) Nebraska L.B. 351 - Environmental Administrative Procedures. This bill revises membership provisions for the Environmental Quality Council. L.B. 351 was placed on Final Reading on 11 April 2005 and passed Final Reading on 22 April. The bill was delivered to Governor Dave Heineman (R) who signed it on 27 April 2005. To view this bill, please go to http://www.unicam.state.ne.us/pdf/INTRO_LB351.pdf. Sponsor: Senator Donald G. Preister (I)

STATE OF NEBRASKA FINAL RULES

(Effective 16 May 2005) NE Department of Environmental Quality Final Regulation: Update to Regulations for Discharge Permitting To Adopt Federal Standards (Title 119). The Department adopted a regulation to update wastewater discharge permitting. The rules apply to facilities that discharge to surface water and industrial facilities that discharge to Publicly Owned Treatment Works. The rule changes would combine Title 119, Title 121 and Title 127 into a new Title 119. The draft rules update the current rules by adopting federal regulation language, by adding federal storm water regulation updates, by adopting by reference federal sewage sludge language, and by authorizing the land application of effluent and sewage sludge. The regulations are final, effective 16 May 2005. *For additional information, please contact Rudy Fiedler at (402) 471-2186.*

(Effective 2 May 2005) NE Department of Environmental Quality Final Regulation: Adoption by Reference of Federal New Source Performance Standards and MACT Standards (Title 129, Chapters 18 and 28). NDEQ has adopted amendments to its regulations that govern air quality. The amendments adopt by reference federal NSPS. The amendments also adopt by reference federal MACT standards. The Department recently became aware of commercial and industrial solid waste incinerator sources within the state and, therefore, plans to adopt NSPS Subpart DDDD for commercial and industrial solid waste incinerators. After that standard is adopted, NDEQ plans to submit a SIP revision to EPA. Prior to submission and approval of the SIP revision, sources subject to the standard will operate under the Federal Implementation Plan issued by EPA in October 2003. The regulations were final, effective 2 May 2005. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

(Effective 30 April 2005) NE Department of Natural Resources Final Regulation: Amendments to Surface Water Rules (Title 457). NDEQ has finalized amendments to its regulations that revise the standards for the appropriation of surface water, including the standards for the transfer of appropriation rights. In addition, the amendments update the requirements for project maps and require project maps for changes in location of use, type of use, or type of appropriation. Additionally, the amendments add requirements that govern applications for a new surface water appropriation within a moratorium or stay area. The regulations were final, effective 30 April 2005. *draft amendments are available at http://www.sos.state.ne.us/business/regtrack/reg_docs/2005022510395.doc. For additional information, please contact David Vogler at (402) 471-2363.*

STATE OF NEBRASKA PROPOSED RULES

(NEW) NE Department of Environmental Quality Proposed Regulation: Amendments to VOC Definition and MACT Standards (Title 129, Chapters 1, 17, and 28). The Department has proposed amendments to its air quality regulations to adopt recent federal-level revisions and to make additional changes. The amendments update the definition of Volatile Organic Compounds (VOC) to reflect changes to the federal definition of regulated VOCs. The amendments also clarify construction permit application fee rules and add a recently adopted state statutory permit fee structure. Additionally, the amendments adopt revisions to federal Maximum Achievable Control Technology (MACT) standards by reference. The amendments also add an exception to the open fire ban to allow fires used for religious activities. NDEQ will hold a public hearing 2 June 2005. Comments are due 1 June 2005. The proposed amendments are available at <http://www.deq.state.ne.us/Proposed.nsf/pages/t129-6-2-05>. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

(NEW) NE Department of Environmental Quality Draft Regulation: Amendments to Wastewater Treatment Facility Standards (Title 123). NDEQ is drafting amendments to its regulations for the design, operation, and maintenance of wastewater treatment facilities. The amendments include the addition of definitions and administrative changes. Staff reports that plans to bring a draft before the Environmental Quality Council for review in June 2005 have been delayed. The Department now hopes to bring a draft before the Council at their meeting scheduled for 9 September. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

(UPDATE) NE Department of Environmental Quality Final Draft Regulation: Update to Regulations for Discharge Permitting to Adopt Federal Standards (Title 119). NDEQ has finalized a regulation to

update wastewater discharge permitting that apply to facilities discharging to surface water and industrial facilities discharging to Publicly Owned Treatment Works. The rule changes would combine Title 119, Title 121, and Title 127 into a new Title 119. Adopting federal regulation language update current rules by adding federal storm water regulation updates, adopting by reference federal sewage sludge language, and authorizing the land application of effluent and sewage sludge. Staff now anticipates that the regulations will be finalized in May or June 2005. An updated draft of the new Title 119 is available at [http://www.deq.state.ne.us/Proposed.nsf/23e5e39594c064ee852564ae004fa010/6bc73245c8d62c2a8625685c00663fff/\\$FILE/T119%20edited%20081004%20accepted.pdf](http://www.deq.state.ne.us/Proposed.nsf/23e5e39594c064ee852564ae004fa010/6bc73245c8d62c2a8625685c00663fff/$FILE/T119%20edited%20081004%20accepted.pdf). For additional information, please contact Rudy Fiedler at (402) 471-2186.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) NE Department of Environmental Quality Proposed TMDL: Big Blue River Basin, Little Blue River Basin and Republican River Basin TMDLs. The Department has issued Total Maximum Daily Loads (TMDLs) for the Big Blue River Basin, Little Blue River Basin, and Republican River Basin. The TMDLs address fecal coliform and E. coli bacteria impairment in the river basins. USEPA has not yet approved the TMDLs. Additional information regarding the TMDLs is available at <http://www.deq.state.ne.us>. For additional information, please contact Pat O'Brien at (402) 471-3382.

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FEDERAL ACTIONS

EPA FINAL RULES

(Effective 11 July 2005) Final Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_x SIP Call.

EPA has determined that 28 States and the District of Columbia contribute significantly to non-attainment of the National Ambient Air Quality Standards (NAAQS) for fine particles (PM_{2.5}) and/or 8-hour ozone in downwind States. The Agency is requiring these upwind States to revise their State implementation plans (SIPs) to include control measures to reduce emissions of sulfur dioxide (SO₂) and/or nitrogen oxides (NO_x). Reducing upwind precursor emissions will assist the downwind PM_{2.5} and 8-hour ozone non-attainment areas in achieving the NAAQS. The effective date of this action, except for the revisions to 40 CFR parts 72, 73, 74, and 77 of the Acid Rain Program regulations, is 11 July 2005. The full text document can be seen at <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-5723.htm>.

(Effective 27 June 2005) Implementation of the 8-Hour Ozone National Ambient Air Quality Standard--Phase 1: Reconsideration, Final Rule. EPA takes final action on two issues raised in a petition for reconsideration of EPA's rule to implement the 8-hour ozone national ambient air quality standard (NAAQS or standard). In addition, this final action clarifies two aspects of that implementation rule. First, EPA has determined that contingency measures for failure to make reasonable further progress (RFP) or attain by the applicable attainment date for the 1-hour ozone standard are no longer required as part of the State implementation plan (SIP) for as part of the SIP for an area after revocation of that standard. Second, EPA is adding the requirement to submit attainment demonstrations to the definition of "applicable requirements" in Sec. 51.900. The full text document location is: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-10580.htm>.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

USACE Announces FY 06 Training Survey. The USACE official training program, Proponent-Sponsored Engineer Corps Training (PROSPECT) Program, is currently surveying for training needs for FY06 using an on-line process. For specific instructions, please see announcement: <http://pdsc.usace.army.mil/downloads/FY06Survey.pdf>. (Scroll down to the second page to view the procedure.)

Guidelines for Voluntary Greenhouse Gas Reporting. On 24 March 2005, the Department of Energy published Interim Final General Guidelines (70 FR 15169) governing the Voluntary Reporting of Greenhouse Gases Program established by section 1605(b) of the Energy Policy Act of 1992 and a notice of availability and opportunity to comment on draft technical guidelines (70 FR 15164) referenced by the general guidelines. These notices

announced that the closing date for receiving public comments on both documents would be 23 May 2005. Several organizations requested that the comment period be extended to allow additional time for understanding and preparing written comments on the Interim Final General Guidelines and draft Technical Guidelines. The Department has agreed to extend the comment period to 22 June 2005. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-9192.htm>

National Water Program Guidance Now Available on the Web. The National Water Program Guidance for FY 2006 is now available on the Office of Water website at www.epa.gov/water/waterplan. The Guidance describes strategies for accomplishing the key environmental and public health goals in the EPA Strategic Plan. The Executive Summary of the Guidance describes top priorities for FY 2006. Included in the Guidance are measures of program activities that support each of ten key environmental goals (i.e. sub-objectives that support the overall goals of clean and safe water). EPA Regional offices will be working with States and Tribes to develop "commitments" under these measures over the next several months using general "targets" in the Guidance. These final commitments are to be included in State/EPA grant agreements, performance partnership agreements, and other documents. The Guidance also includes information about the management system for assessing progress toward the environmental goals and the new Agency initiative to link program grants to support of these environmental goals.

Toxics Release Inventory (TRI) Program. EPA released the 2003 The Toxics Release Inventory (TRI) data on 11 May 2005. The TRI is a publicly available EPA database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities. This inventory was established under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and expanded by the Pollution Prevention Act of 1990. For additional details, please go to <http://www.epa.gov/tri/>.

Applications for Innovations in American Government Award. This award is administered by the Ash Institute for Democratic Governance and Innovation at the John F. Kennedy School of Government in Partnership with the Council for Excellence in Government. The Innovations Award is a national public-sector award. It is given annually to programs that serve as examples of creative and effective government at its best. All units of government - federal, state, local, tribal, and territorial-within the United States are eligible to apply. Each of the winners of the 2006 Innovations Award will receive a \$100,000 grant to support replication and dissemination activities. Applications and additional information are available at <http://www.ashinstitute.harvard.edu/Ash/>.

New US Army Sustainability Website. A new Army website describing how an installation is able to execute its present missions without compromising either its ability to accomplish future missions or the ability of its neighboring communities to realize their aspirations is now available. The site can be accessed at <http://www.sustainability.army.mil/whatis.htm>.

New EPA Guidance Available: National Management Measures to Control Non-point Source Pollution from Forestry. EPA recently published a new technical guidance and reference document for use by State, Territory, and authorized Tribal managers as well as the public in the implementation of non-point source (NPS) pollution management programs in forest settings. The new guidance contains information on the best available, economically achievable means of reducing non-point source pollution that can result from forestry activities. For more information about the guidance or to download the document (in PDF format), please visit our Web site at <http://www.epa.gov/owow/nps/forestrymgmt/>.

U.S. FISH AND WILDLIFE SERVICE

Endangered and Threatened Wildlife and Plants; Listing Roswell Springsnail, Koster's Springsnail, Pecos Assiminea, and Noel's Amphipod as Endangered With Critical Habitat. USFWS announces the availability of the draft economic analysis and draft environmental assessment for the proposal to designate critical habitat for the Roswell springsnail (*Pyrgulopsis roswellensis*), Koster's springsnail (*Juturnia kosteri*), Pecos assiminea (*Assiminea pecos*), and Noel's amphipod (*Gammarus desperatus*) (four invertebrates) under the Endangered Species Act of 1973, as amended (Act). USFWS is also reopening the public comment period for the proposal to list the four invertebrates as endangered with critical habitat to allow all interested parties an opportunity to comment on and request changes to the proposed listing and critical habitat designation, as well as the associated draft economic analysis and draft environmental assessment. In addition, USFWS is proposing updated legal descriptions for critical habitat units using Geographic Information Systems (GIS) coordinates.

AEC Comments: No anticipated effect on Army installations. None of the proposed species is recorded as onsite or contiguous to any Army installation. The proposed rule does not identify any Army installations as within areas proposed for critical habitat. In New Mexico, 1,127 acres of Critical Habitat are proposed for designation on Bitterlake National Wildlife Refuge and in Texas, 396.5 acres on private land. Pecos assiminea (snail) occurs in Pecos and Reeves Counties, Texas and Chaves County, New Mexico. Koster's springsnail, Roswell springsnail and Noel's amphipod occur in Chaves County. Bremond training site and Roswell Training site (ARNG) are located within Chaves, County. Critical habitat is proposed in areas where species occur.

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REGIONAL MEETINGS

Water Quality Review Process for NPDES Permits Workshop. On **28 June 2005**, MDNR will host a free workshop on the Water Quality Review Process for NPDES Permits in the LaCharrette Conference Room of the Lewis & Clarke Office Building in **Jefferson City, Missouri**. The workshop audience includes planners, storm and waste water managers, public works directors, and other individuals involved in the preparation of water quality review sheets. Topics to be covered are: (1) Interpretation of water quality standards; (2) Review process and timeline for water quality studies; (3) Water quality monitoring techniques; (4) Proposed water quality standards; and (5) Use attainability analysis. To register for this workshop, call (573) 526-6627.

Region 7 Local Emergency Planning Committee 9 (LEPC) and Tribal Emergency Response Commission Conference (TERC). The conference brings the latest information about hazardous materials, emergency planning and environment. The 2005 conference will also feature a session devoted to health and medical issues. The speakers will address issues of interest to health providers as well as first responders. The Local Emergency Planning Committee (LEPC)/Tribal Emergency Response Commission (TERC) is the main source for information about hazardous materials, emergency planning and environmental risks in the community. EPA and FEMA, in conjunction with private industry, tribal, state and local governments have developed the conference to help LEPCs/TERCs conduct their jobs safely and more effectively. The meeting will be held on **17-18 August 2005** in **Kansas City, Missouri**. For additional details, please go to <http://www.marc.org/gti/lepc-terc.htm>.

KDHE Water Shed Management Seminar. The Kansas Department of Health & Environment, Bureau of Water, Watershed Management Section is conducting a seminar with various non-point source pollution control projects and local environmental protection programs. The purpose of the seminar is to facilitate communication of project results and activities among all parties interested in non-point source pollution control. These projects have been selected from the area of the seminar location. The seminar will be held on **3 November 2005** in **Salina, Kansas**. For information, please call (785) 296-4195.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. The FY06 Proponent-Sponsored Engineer Corps Training (PROSPECT) Program is now available on line at <http://pdsc.usace.army.mil>. The Purple Book, which includes the proposed scheduled training classes and sessions for FY06, is found at this location. FY06 PROSPECT offering of the following courses:

- **The Complete RCRA Course: From Hazardous Waste Generation, Through Disposal, Corrective Action, and Beyond.** This is a new comprehensive RCRA hazardous waste course. Topics addressed include regulations important to waste generators such as: identifying hazardous waste; determining generator status; complying with accumulation requirements; manifesting waste off site; land disposal restrictions treatment standards; and special regulations for recyclables, used oil, military munitions, and universal waste. The course also instructs on regulations pertaining to treatment, storage, and disposal facilities such as the permitting process; treatment, storage, and disposal facility standards, and RCRA corrective action requirements. Phases of corrective action are covered including identification of solid waste management units and area of concern, interim stabilization measures, the RCRA facility investigation, corrective measures studies, and corrective measures implementation. Special waste management options for remediation waste, such as corrective action management units, staging piles, and temporary units are also addressed. See: http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=156.

- **Hazardous Waste Manifesting & DOT Certification.** This 36-hour course enables Corps personnel to understand the regulatory requirements of RCRA and the Hazardous Materials Transportation Act (HMTA) as it applies to the generation, transportation and disposal of hazardous waste. Topics include RCRA waste classification, land disposal restrictions, generator requirements, manifesting requirements, and DOT requirements such as proper shipping names, packaging, labeling, marking, and placarding. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl_Num=223.
- **Hazardous Waste Manifesting 16-Hour DOT Recertification Course.** The 16-hour manifesting refresher course is intended to provide refresher training on DOT requirements to fulfill the recurrent training requirements of 49 CFR 172, Subpart H for general awareness/familiarization training. Students who successfully complete the course will be certified as having been trained and tested to recognize and identify hazardous materials. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl_Num=429.
- **Environmental Regulations Practical Application Course.** This is an excellent course for those personnel involved in regulatory compliance issues. Topics covered in this 36-hour course include RCRA waste classification and disposal, DOT shipping, CAA, CWA storm and wastewater discharges, TSCA requirements for management and disposal of PCBs, lead-based paint issues, asbestos, USTs, pesticide management, EPCRA, spill response, and drinking water standards. http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl_Num=398.
- **The CERCLA/RCRA Process.** This 24-hour course trains USACE personnel involved with hazardous and toxic waste projects on military and civil works projects in the proper application of CERCLA, RCRA and other relevant environmental laws, regulations, and policies. This course is ISEERB approved. http://pdsc.usace.army.mil/CourseListDetailsNewFy.asp?Cntrl_Num=356.

Natural Resources Compliance Course. This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. The course addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. (32 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. The course is scheduled for **21-24 June** in **Silverdale, Washington**. For more information to register, please visit <https://www.cecocos.navy.mil>.

Environmental Negotiations Workshop. Negotiation and decision making with our colleagues, regulators and the public often dictate the success of environmental cleanup and compliance programs. This workshop provides the insight and skills to become better communicators and negotiators in matters involving complex health and environmental concerns. CECOS offers the Environmental Negotiation Workshop tuition-free to all DOD. This stimulating three-day class provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision making. Case studies and role-playing provide an opportunity for every student to apply the information presented in class. This class is open to all DOD personnel at no cost, and DOD contractors with sponsorship and proof of need. The course will be held at **Aberdeen Proving Grounds, Maryland** on **26-28 July 2005**. For more information and registration, please visit the CECOS web site <https://www.cecocos.navy.mil/coursedetail.cfm?courseid=20>

14th Annual ITAM Workshop. In accordance with the FY05 ITAM Workshop Memo, DAMO-TRS has chosen Camp Atterbury and ERDC as hosts for the FY05 ITAM Workshop. The 2005 ITAM Workshop will be held from **1 - 4 August 2005** in **Indianapolis, Indiana**. Please go to <http://srp.army.mil/public/workshop/14th/14thworkshop.aspx> to keep abreast of additional details regarding this important workshop.

The Nuts and Bolts of Brownfield Redevelopment for Local Governments. EPA, the Northeast-Midwest Institute, and the University of Illinois at Chicago Great Lakes Center for Environmental Training (in cooperation with HUD) will be presenting a training course which covers the broad range of activities that local governments and others need to know in order to successfully identify, clean up, and redevelop Brownfields. The course will be offered in **Kansas City, Missouri** on **1-5 August 2005**, and is open to all who may be interested. The

course includes presentations by local governments and others who are experienced in Brownfield redevelopment, and hands-on case studies including site visits. This intensive course has received very strong reviews from past participants. For more information, please go to <http://128.248.232.70/glakes/ce/courseDetail.asp?GID=301> or call (913) 551-7450.

Environmental Regulations – Practical Application. This course is designed to further basic understanding and ability to apply the technical requirements of various major federal environmental regulations. This course consists of a review of the technical application of selected environmental requirements pertinent to compliance issues. It will not consist of an exhaustive, detailed study of environmental statutes and regulations. This course is comprised of discussions and practical exercises pertaining to the technical application of various environmental regulations such as RCRA waste classification and generator standards, used oil management, NPDES wastewater and stormwater requirements, SPCC plans, PCB management, Clean Air Act regulations, USTs, SWDA requirements, Spill reporting, Pesticide management, Hazardous materials transportation, and EPCRA requirements. The course also includes a brief introductory session on environmental management systems addressed in EO 13148. This course focuses on the practical application of these regulations during day-to-day compliance activities at DoD installations, Corps construction projects and Civil Works Projects and Facilities. The course will be held **8-12 August 2005** in **Omaha, Nebraska**. The course is 36 hours, offers 2.2 Continuing Education Units and 22 Professional Development hours. If interested contact the Registrar at the Training Center at (256) 895-7425 or 7421. The Course Control Number is 398. Course Number: 33MEC01A. Additional training courses can be found at <http://pdsc.usace.army.mil/>.

Strategic Conservation Planning: Using the Green Infrastructure Approach. Green Infrastructure represents an interconnected network of natural areas and working landscapes that support native species, maintain ecological processes, sustain air and water resources. Through lecture, case studies, and class exercises, this course will introduce participants to the concepts and values of green infrastructure; to innovative tools and techniques for planning, designing, and implementing green infrastructure networks; and to successful approaches for integrating green infrastructure into local, regional, state and national land use plans, policies, practices, land protection strategies, watershed planning, and community decisions. The instructor team is from federal, state, and/or local government and non-government organizations. The course will be held on **26-29 September 2005** in **Shepherdstown, West Virginia**. For additional information, please go to <https://otis.fws.gov/Index.cfm?empcode=GUEST64631&CFID=497589&CFTOKEN=29080692> and enter course code ECS3146 or call (304) 876-7471.

Historic Preservation Law and Section 106 Compliance Course. This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. (24 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. This Course is ACHP recognized. The course is scheduled for **19-21 September 2005** in **Great Lakes, Illinois**. For more information or to register, please visit <https://www.cecos.navy.mil>.

Partners in Environmental Technology Technical Symposium & Workshop. Sponsored by Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP), the 2005 Partners in Environmental Technology Technical Symposium & Workshop will take place **29 November- 1 December 2005** in **Washington, DC**. For information as it becomes available, please go to <http://www.serdp.org/symposiums/symposiums.html> or e-mail partners@hgl.com or call (703) 736-4548 with any questions.

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CONFERENCES AND SYMPOSIUMS

Third Annual Toxic Industrial Chemicals and Materials Symposium. The Third Toxic Industrial Chemical (TIC) Symposium's goals are: 1) to provide a forum for Government and Industry to discuss TIC threats and defense requirements and capabilities for detection, protection, decontamination, and medical response, 2) to present results from recent research and development studies conducted in both the DOD and DHS sectors, and 3) to display new equipment, software, algorithms, and procedures for planning and dealing with TIC incidents. The symposium will be held in **Richmond, Virginia** on **12-14 July 2005**. For specific details, please go to <http://www.ticsandtims.com/>.

Second Conference on Sustainable Range Management. The Second Conference on Sustainable Range Management will be held in **San Antonio, Texas** on **22-25 August 2005**. The Conference is designed to facilitate exchange of information among all stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapon systems and train DoD personnel without conflicting with economic, environmental, and other concerns. The technical program will consider the many issues including operational range management, urban encroachment, frequency and airspace competition, munitions constituents and UXO, protection of endangered species, protection of air quality, sustainability of the maritime environment, noise abatement, and outreach. For additional information, please go to <http://www.rangecon.org/>.

AWMA Workshop: Understanding the Changing World of New Source Review (NSR). The world of NSR is one of the most complex and ever changing issues today. To understand these changes, the workshop will endeavor to show where each version of the rule applies; explain the basics of the major NSR permit requirements (BACT, LAER, etc.); discuss the applicability criteria for each version of the rule, allowing you to determine whether major NSR applies to a project; update you on the latest enforcement initiatives, settlement agreements, and court decisions; and provide an idea of what's in store for NSR rules and programs in the near future. The workshop will be held in **New Orleans, Louisiana** on **8-9 September 2005**. For additional information, please go to <http://www.awma.org/events/workshops/NSR04/default.asp>.

Annual Groundwater Foundation Conference. The Groundwater Foundation's 2005 Annual Conference will focus on the intersection of scientific knowledge, the technical tools that result, and on-the-ground practices by water managers, consumers, and communities. The 2005 conference will feature high tech advances and new human approaches. Presentations will focus on diverse settings including best practices in rural, urban, and watershed settings. The meeting will take place on **2-4 November 2005** in **Nebraska City, Nebraska**.

Brownfields 2005. The 2005 national brownfields conference sponsored by EPA and ICMA will be held in **Denver, Colorado** on **2-4 November 2005**. This year the Department of Defense will announce that numerous military base closings, affecting dozens of communities across the country. Because of the pending base realignment and closure (BRAC) process, as well as the similarities between brownfields and military base cleanup and reuse, this conference will feature a set of technical sessions and mobile workshops focused on the remediation and redevelopment aimed at BRAC sites. For more information about Brownfields 2005 or to register on line, see <http://www.brownfields2005.org>.

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Acronyms and Abbreviations The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
AEA = Atomic Energy Act of 1954
AEDB = Army Environmental Database
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology
AIMO = Associated Industries of Missouri
ANPR = Advance Notice of Proposed Rulemaking
ANSI = American National Standards Institute
APA = American Planning Association
APC&EC = Arkansas Pollution Control and Ecology Commission
AQCR = Air Quality Control Region
AQI = Air Quality Index
AST = aboveground storage tank
ASTM = American Society for Testing and Materials
ASTSWMO = Association of State and Territorial Solid Waste Management Officials
ATV = all-terrain vehicle
AWMA = Air & Waste Management Association
BAT = best available technology
BIA = Bureau of Indian Affairs

BOR = Bureau of reclamation
 BRAC = Base Realignment and Closure
 CAA = Clean Air Act
 CADD = computer-aided design and drafting
 CAM = compliance assurance monitoring
 CAMU = corrective action management unit
 CARB = California Air Resources Board
 CBT = computer-based training
 CCAR = Coordinating Committee for Automotive Repair
 CCP = Comprehensive Conservation Plan
 C&D = construction and demolition
 CECOS = Civil Engineer Corps Officers
 CEPPO = Chemical Emergency Preparedness and Prevention Office
 CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
 CESQG = conditionally exempt small-quantity generator
 CFC = chlorofluorocarbon
 CFR = Code of Federal Regulations
 CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine
 CINWL = commercial industrial nonhazardous waste landfill
 CISWI = commercial and industrial solid waste incinerator
 CO = carbon monoxide
 CREO = Central Regional Environmental Office
 CSR = Code of State Regulations
 CTIC = Conservation Technology Information Center
 CTT = closing, transferring and transferred ranges
 CWA = Clean Water Act
 DAC = Defense Ammunition Center
 DBP = disinfection byproduct
 DBPR = Disinfectants and Disinfection Byproducts Rule
 DEI = Directorate of Environmental Integration
 DENIX = Defense Environmental Network & Information eXchange
 DERP = Defense Environmental Restoration Program
 DFW = Dallas/Fort Worth
 DNT = dinitrotoluene
 DoD = U.S. Department of Defense
 DOE = U.S. Department of Energy
 DOI = U.S. Department of Interior
 DOT = U.S. Department of Transportation
 DRMS = Defense Reutilization and Marketing Service
 DSMOA = Defense/State Memorandum of Agreement
 EA = environmental assessment
 EAC = Early Action Compact
 ECAS = Environmental Compliance Assessment System
 ECHO = Enforcement and Compliance History Online
 ECOS = Environmental Council of the States
 ECSR = Environmental Compliance Status Report
 EIS = environmental impact statement
 EMR = environmental management review
 EMS = environmental management system
 EO = executive order
 EPA = U.S. Environmental Protection Agency
 EPAS = Environmental Performance Assessment System
 EPCRA = Emergency Planning and Community Right-to-Know Act
 ER = environmental restoration
 ERC = Emission Reduction Credit
 ERTTP = Environmental Response Training Program
 ETMD = Environmental Training and Management Division
 EVR = Enhanced Vapor Recovery
 FAA = Federal Aviation Administration
 FEIS = Final Environmental Impact Statement

FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
 FFEO = Federal Facilities Enforcement Office
 FM = facilities management
 FR = Federal Register
 FS = Feasibility Study
 FUDS = Formerly Used Defense Sites
 FY = fiscal year
 GAO = General Accounting Office
 GCP = general construction permit
 GIS = geographic information system
 gpd = gallons per day
 GSA = General Services Administration
 HAP = hazardous air pollutant
 HAZMAT = hazardous materials
 HAZWOPER = Hazardous Waste Operations and Emergency Response
 HB = House Bill
 HGA = Houston/Galveston Area
 HJR = House Joint Resolution
 HM = hazardous material
 HMIRS = Hazardous Materials Information Resource System
 HMIWI = hospital/medical/infectious waste incinerator
 HMX = high melting point explosive
 HQ = headquarters
 HRVOC = highly-reactive volatile organic compounds
 HSB = House Study Bill
 HTRW = hazardous/toxic and radioactive waste
 IAC = Iowa Administrative Code
 IBR = Incorporated By Reference
 IDNR = Iowa Department of Natural Resources
 IESWTR = Interim Enhanced Surface Water Treatment Rule
 I&M = inspection and maintenance
 IMI = Installation Management Institute
 INSTEP = International Society of Technical and Environmental Professionals
 ISEERB = Interservice Environmental Education Review Board
 ISO = International Organization for Standardization
 ISR = Installation Status Report
 ITAM = Integrated Training Area Management
 ITRC = Interstate Technology Regulatory Council
 JRTC = Joint Readiness Training Center
 KAR = Kansas Administrative Rules
 KCMA = Kansas City Metropolitan Area
 KDA = Kansas Department of Agriculture
 KDHE = Kansas Department of Health and Environment
 kW = kilowatt
 LAC = Louisiana Administrative Code
 LAMW = low-activity mixed waste
 LANL = Los Alamos National Laboratory
 LB = legislative bill
 LDEQ = Louisiana Department of Environmental Quality
 LDR = land disposal restriction
 LLRW = low level radioactive waste
 LPDES = Louisiana Pollutant Discharge Elimination System
 LPST = leaking petroleum storage tank
 LQG = large quantity generator
 LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule
 LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule
 LUC = land use control
 LUST = leaking underground storage tank
 MACT = maximum achievable control technology

MCL = maximum contaminant level
MCLG = maximum contaminant level goal
MDNR = Missouri Department of Natural Resources
MDS = minimum desirable streamflow
MSDS = Material Safety Data Sheet
MEG = Military Environmental Group
MEGCs = multiple-element gas containers
MEK = methyl ethyl ketone
mg/L = milligram per liter
mg/yr = megagrams per year
MMR = Military Munitions Rule
mph = mile per hour
MP&M = metal products and machinery
M2R = Military Munitions Rule
mrem = millirem
mrem/yr = millirem per year
MRDLGs = maximum residual disinfectant level goals
MS4 = municipal separate storm sewer system
MSDS = material safety data sheet
MSWG = Multi-State Working Group
MSWLF = municipal solid waste landfill
MSWTS = municipal solid waste transfer station
MTBE = methyl tertiary butyl ether
MVECP = Motor Vehicle and Engine Compliance Program
MVEB = Motor Vehicle Emission Budget
MWC = municipal waste combustion
NAAQS = National Ambient Air Quality Standard
NAICS = North American Industry Classification System
NDEQ = Nebraska Department of Environmental Quality
NDIA = National Defense Industrial Association
NEPA = National Environmental Policy Act
NESHAP = National Emission Standards for Hazardous Air Pollutants
NFPA = National Fire Protection Association
NGWA = National Ground Water Association
NHPA = National Historic Preservation Act
NMAC = New Mexico Administrative Code
NMED = New Mexico Environment Department
NO_x = nitrogen oxides
NORM = naturally occurring radioactive material
NPDES = National Pollutant Discharge Elimination System
NRC = Nuclear Regulatory Commission
NREO = Northern Regional Environmental Office
NREP = National Registry of Environmental Professionals
NSP = new source performance
NSR = new source review
OAC = Oklahoma Administrative Code
ODEQ = Oklahoma Department of Environmental Quality
OE = ordnance and explosives
OFR = Office of the Federal Register
OMB = Office of Management and Budget
OMEG = Oklahoma Military Environmental Group
ORVR = onboard refueling vapor recovery
OSHA = Occupational Safety and Health Administration
OSPR = Oil Spill Prevention and Response Act
OSSF = on-site sewage facility
OSWER = Office of Solid Waste and Emergency Response
P2 = pollution prevention
PASS = Permit Application Software System
PAL = plant-wide applicability limitation
PBR = permit by rule

PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 PER = Permitting for Environmental Results
 PHMSA = Pipeline And Hazardous Materials Safety Administration
 P.L. = public law
 PM = particulate matter
 PM_{2.5} = Fine Particulate Matter with a diameter smaller than 2.5 microns
 POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PRP = potentially responsible party
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 PTE = potential to emit
 PWS = public water system
 RACM = reasonably available control measures
 RACT = reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 RDX = Royal Demolition eXplosive
 REC = Regional Environmental Coordinator
 REGFORM = Regulatory Environmental Group for Missouri
 RFG = reformulated gasoline
 RI = remedial investigation
 RICE = reciprocating internal combustion engine
 ROD = record of decision
 SAME = Society of American Military Engineers
 SB = Senate Bill
 SDWA = Safe Drinking Water Act
 SDWIS = Safe Drinking Water Information System
 SERDP = Strategic Environmental Research and Development Program
 SIC = Standard Industrial Classification
 SIP = State Implementation Plan
 SM = Senate Measure
 SO₂ = Sulfur dioxide
 SPCC = Spill Prevention, Control, and Countermeasure
 SQG = small quantity generator
 SREO = Southern Regional Environmental Office
 TAC = Texas Administrative Code
 TBD = to be determined
 TCEQ = Texas Commission on Environment Quality
 TCM = transportation control measure
 TDS = total dissolved solids
 TEFs = Toxicity equivalency factors (related to dioxins)
 TEQ = Toxicity equivalency (related to dioxins)
 TERP = Texas Emissions Reduction Plan
 TIM = Transformation of Installation Management
 TMDL = total maximum daily load
 TPDES = Texas Pollutant Discharge Elimination System
 TRI = Toxics Release Inventory
 TRI-DDS = Toxics Release Inventory – Data Delivery System
 TRRP = Texas Risk Reduction Program
 TSCA = Toxic Substances Control Act
 TSP = Total Suspended Particulate
 tpy = tons per year
 TNT = trinitrotoluene

TXEP = Texas Environmental Partnership
UIC = underground injection control
UN = United Nations
USACE = U.S. Army Corps of Engineers
USAEC = U.S. Army Environmental Center
U.S.C. = United States Code
USFWS = U.S. Fish and Wildlife Service
USGS = U.S. Geological Survey
UST = underground storage tank
UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office
ug/L = microgram per liter

